

***United States Court of Appeals  
for the Second Circuit***



**APPENDIX**





74-1550

74-1550

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IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

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NO. 74-1550

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THE UNITED STATES OF AMERICA,  
Plaintiff-Appellee,  
-against-  
CARMINE TRAMUNTI, et al.,  
Defendants-Appellants.

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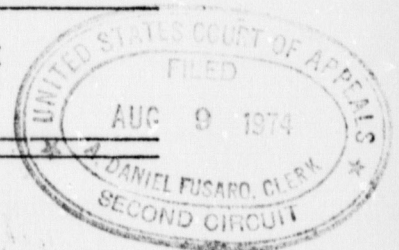
ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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DEFENDANTS-APPELLANTS' JOINT APPENDIX  
Vol. T(1) - Pages 1 to 129a

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

vs.

: 73 Cr. 1099

CARMINE TRAMUNTI, et al.,

Defendants.

BEFORE:

HON. KEVIN THOMAS DUFFY, D.J.,

and a Jury.

New York, January 25, 1974,

APPEARANCES:

FOR THE GOVERNMENT:

PAUL J. CURRAN, ESQ.,  
WALTER M. PHILLIPS, JR., ESQ.,  
THOMAS FORTUIN, ESQ.,  
THOMAS ENGEL, ESQ.

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SOUTHERN DISTRICT COURT REPORTERS

UNITED STATES COURT HOUSE

FOLEY SQUARE, N.Y., N.Y. 10007 TELEPHONE: CORTLANDT 7-4500

## Appearances Contd.:

MATTHEW SALKO, ESQ.,  
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MURRAY M. SEGAL, ESQ.,

THE COURT: Mr. Clerk, bring in the jury.

(Government's Exhibits 3501, 3502, 3503, 3503A  
were marked for identification.)

(Jury present.)

THE COURT: Good morning, ladies and gentlemen.

I received from you a couple of notes. On  
the back of the envelopes of most of them I have just  
indicated to the marshal that those things are permis-  
sible and they will be taken care of.

I did receive a request from one of the  
jurors that you be permitted to take notes either of the  
entire testimony or of what you consider the demeanor of  
the witness to be while you are in the jury box. I  
will not permit that. I do not believe it appropriate.  
I want you to pay strict and complete attention to the



witnesses and to the testimony that they are giving.

Now, many of you have not been jurors before, so let me just give you a little outline of what you can expect. At the outset the government will make an opening statement, an opening argument, if you like, in which they will outline the case which they expect to prove. The defendant or any defendant may or may not -- it's up to him, it is his choice -- make an opening statement.

Now, remember, a defendant is presumed innocent. If they don't make an opening statement maybe what they are doing is saying, "I don't know why I am here. I am just going to sit back and find out what I am supposed to have done. I don't have to do anything." That is maybe what they are trying to tell you. I don't know. But there is no requirement that they make an opening statement.

Now, any opening statement is not evidence, not evidence at all. It is just what an advocate does. It is not evidence. It is intended merely to aid you in your general understanding of the outline of the case, the nature of the case, the evidence which you can expect to hear about.

After the opening statements the government



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2 will start presenting its evidence. I hope that today  
3 we will have the first witness on. At the conclusion  
4 of the government's evidence the defendant has a right  
5 to introduce evidence. He doesn't need to do so.  
6 Remember, each and every defendant is presumed innocent.  
7 Now, there is a possibility of rebuttal evidence. It  
8 happens rarely. I don't know whether it will happen  
9 here.

10 At the conclusion of all of the evidence  
11 the attorneys are entitled to make closing arguments to  
12 you. When they do make closing arguments to you  
13 remember that they are arguments and nothing more than  
14 arguments. They are not evidence.

15 I will require throughout this trial the  
16 exclusion of all witnesses from the courtroom, all poten-  
17 tial witnesses from the courtroom, so you will see the  
18 witnesses come through the door here. If there is any  
19 witness in the courtroom now he should leave.

20 Now, as I said to you yesterday, the law  
21 applicable to this case will be contained in the instruc-  
22 tions which I will give you either during the course of  
23 the trial or at the end of the trial. It is your duty  
24 to follow such instructions.

25 It will be your duty to determine the facts

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and determine them solely from the evidence and the reasonable inferences which arise from that evidence. In so doing you are not to engage in guesswork or speculation.

From time to time it may be the duty of the attorneys to make an objection. It is my duty as judge to rule on those objections. You must not concern yourself in any way with the objections that an attorney makes or my rulings on those objections.

Now, as I said, the opening statements and closing arguments are not evidence. You are not going to hear any evidence until after the first witness takes the stand. You must not be influenced in any way by any personal feeling of sympathy for or prejudice against the government or the defendants in this case. Each is entitled to the same fair and impartial consideration, and when I say "each" I mean each individual defendant. You are going to have to consider them as individuals.

Now, no statement that I make in any way should be considered by you as to indicate what my opinion of the facts might be. My opinion of the facts doesn't count. You are to determine the facts, and in this determination you alone decide the believability of the evidence, its weight, its value. Of course, in consider-



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2 ing this you can't check your common sense in the jury  
3 room. Bring it along. Look at the witnesses,  
4 consider their appearance, their attitude, their behavior,  
5 consider the interest of the witness in the outcome of  
6 the case, the relation of the witness to the government  
7 or to any of the defendants, the inclination of the  
8 witness to speak truthfully or not to speak truthfully.

9 You are to weigh the evidence, you are to  
10 determine the facts. However, until this case is sub-  
11 mitted to you for your deliberation you must not discuss  
12 the case with anyone nor remain in the hearing of anyone  
13 discussing it.

14 I am, unfortunately, going to have to censor  
15 your newspapers and your TV viewing and your radio listen-  
16 ing. If I miss something and you see it, please ignore  
17 it. All right?

18 Now, after the case has been submitted to you  
19 You must discuss the case only in the jury room, when all  
20 the other members of the jury are present. You under-  
21 stand? You are to keep an open mind in this case and  
22 you must not decide any issue whatsoever until after  
23 the case is submitted to you for your deliberations under  
24 my instructions.

25 Now, I cannot emphasize too much the fact that

each defendant is an individual. You might have noted, for example, that Mr. Lopez came up to the bench during selection of the jury. I will tell you how that came about. There are many logistical problems in a case. Mr. Lopez was selected by me. He was not elected by his fellow attorneys or by anybody else. The reason I selected Mr. Lopez was his was the first name that came to my mind as I sat in the courtroom in pretrial. Mr. Lopez and his client are entirely individual and different from everybody else, and so each attorney and his client is an individual and must be considered individually. In fact, there may be competing interests between clients. I don't know, you don't know yet.

The fact that the attorneys when exercising challenges to the jury filed out into the conference room on the other side of the courtroom here was because I asked them to. It shows no grouping of interests. It was solely because I asked them to. Remember, each person is an individual. He may or may not have anything to do with any other individual in this case, but we won't know until the facts are in, and only when the facts are in and when you have been instructed do you form an opinion as to this.

All right, Mr. Curran.

MR. CURRAN: Your Honor, Mr. Phillips.

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2 THE COURT: Mr. Phillips will open.

3  
4 Now, for every person who opens, I am instructin  
5 you to do so from the lectern. Please speak into the  
6 microphone. That way we will all be able to hear what  
7 is going on.

8 All right, Mr. Phillips.

9 MR. PHILLIPS: Thank you, your Honor.

10 May it please the Court, Mr. Lopez, counsel for  
11 the defendants, Mrs. Hare, Ladies and Gentlemen of the Jury

12 You know my name is Walter Phillips and I along  
13 with Mr. Curran, who you have been introduced to, Mr.  
14 Fortuin, who is sitting at counsel table, Mr. Engel, are  
15 going to represent the government in this case before you.  
16 Just let me briefly tell you that in addition to us sitting  
17 at counsel table Agent Fitzgerald I think was introduced to  
18 you. He is not there now but will be sitting at counsel  
19 table from time to time. The other gentleman sitting  
20 there is Richard Lynn, a third-year law student. It is  
21 our function representing the government to present to you  
22 the government's witnesses. So the four of us will be  
23 interrogating witnesses throughout the government's case.

24 The defendants in this case, as you by now know,  
25 are charged with a conspiracy to violate the federal

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2 narcotics laws. They are also charged with what we refer  
3 to as substantive violations of the federal narcotics  
4 laws. Specifically, this means that they are charged  
5 with conspiring or agreeing to distribute quantities of  
6 narcotics. In this case it's heroin and cocaine,  
7 primarily heroin. In addition, they are charged with  
8 actually distributing and possessing quantities of heroin  
9 and cocaine.

10 It is my function at this time in addressing  
11 you to outline the government's case, to give you a frame-  
12 work so that you can better understand the testimony as it  
13 unravels before you. You see, no one witness can take the  
14 stand and give you the entire government case from start  
15 to finish. It's got to come in in bits and pieces.  
16 So my function now is to give you a framework so that you  
17 can understand each of these bits and pieces as you hear  
18 them from the witness stand so that you are able to put it  
19 into an overall framework.

20 Now, I have mentioned to you that the defendants  
21 are charged with conspiracy. His Honor will charge you at  
22 the close of the case what the legal definition is of  
23 conspiracy. It's not a simple thing, but basically it is  
24 not a complicated thing if you keep in mind that a con-  
25 spiracy is nothing more than an agreement by two or more



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2 people to do an unlawful act. In this case the unlawful  
3 act that the defendants are charged with agreeing to do  
4 and to have a purpose to do is to distribute narcotics  
5 for profit and that is what the evidence will show you.

6 I want you to keep in mind two things as you  
7 listen to the evidence. A conspiracy, an illegal con-  
8 spiracy, does not involve a legal, binding, written  
9 contract. You can be sure that in a narcotics conspiracy  
10 the individuals don't sit down around a table and draw up  
11 a contract which they all sign.

12 Another thing I want you to keep in mind and  
13 his Honor will charge you at the close of the case is that  
14 it is not necessary for all of the defendants to a con-  
15 spiracy to know each other, and in fact, as the evidence  
16 will show, not all of these defendants did know each other  
17 or even deal with one another. Those at the lower part  
18 of the conspiracy, for example, did not know who was  
19 involved at the upper echelons of this particular con-  
20 spiracy.

21 Basically, the purpose of this con-  
22 spiracy agreement was straightforward, to sell narcotics,  
23 as much as possible for as great a profit as they could  
24 realize.

25 I think that if I divided my opening statement

1  
2 into what the government is going to prove, when the facts  
3 took place, where they took place, how the conspiracy  
4 became successful and what the roles of the defendants  
5 were you can best understand the government's evidence  
6 in this case. So let's start with what, what's involved  
7 here.

8 As I indicated already, it's narcotics, it's  
9 heroin and it's cocaine. It's primarily heroin. What  
10 is also involved is money.

11 With respect to the amounts, you will hear  
12 testimony varying in amounts regarding sales of narcotics,  
13 both heroin and cocaine, generally ranging from 1/8 of a  
14 kilogram to 1 kilogram and more. A kilogram is 2.2  
15 pounds. The money involved during the period of time in  
16 question, the price of narcotics, varied. It varied at  
17 the wholesale level, which, as I will show you, is what  
18 we are interested in here, from approximately \$20,000 per  
19 kilo on up to \$40,000.

20 The time period that we are talking about is  
21 1969 to 1973. That's what is charged in the indictment,  
22 January 1, 1969, to the filing of the indictment, December  
23 of 1973.



Where did this take place? I believe some of you are from the Bronx. This primarily operated out of the Bronx, specifically in some of these places those of you from the Bronx may have read about. The Beach Rose Social Club at Westchester Avenue and Wilkinson Avenue, which also became known as the Wilkinson Avenue Social Club, was the name of the club that some of these defendants hung out in for a long period of time, for a couple of years, and this is where they made their agreements. This is where they distributed their narcotics from.

The Beach Rose Social Club, you will hear testimony, came under surveillance by law-enforcement authorities in the City of New York. The defendants became aware of this surveillance. As a result, they closed it down, and they started hanging out, so to speak, at a place called Lo Piccolo, a coffee and espresso house at Westchester Avenue in the Bronx. But in addition to those two places, you will hear evidence that they visited, that they had meetings, they made agreements at other places, the Blue Lounge, a place called The Teardrops, Bon Soir, the Log Cabin, the Flaming Pit, the Pine Tree Inn, the Centaur in Manhattan, the Pleasant Avenue Tavern. In addition, you will hear testimony that there

were customers in this narcotics conspiracy that came from as far away as Washington, D.C. and that they would come up to New Jersey and meet individuals at a Howard Johnson's in New Jersey and receive narcotics to take back to Washington.

How did this conspiracy operate? I think you will find, ladies and gentlemen, you will see it is very similar to a business, that basically this was a business operation. There were, for example, wholesale distributors; there were managers; there were suppliers of the raw product, that is, pure heroin and mannite, to mix. And of course, there were customers. In fact, there was even a banker, a financier, to the operation.

Some of the individuals had lesser roles than others. Some had greater roles. But all played a significant part in the success of this conspiracy.

There are certain unusual aspects of a narcotics business that are different from a legitimate business. For example, in a narcotics business there are no written contracts; there is no payment by checks. All cash dealings.

The names used -- in a legitimate business you address a person by his real name, Mr. So-and-So, or by his first name. You will hear some rather unusual names in



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1  
2 this case. These defendants were known by witnesses who  
3 will testify not by Mr. So-and-So but by unusual nicknames.

4 For example, Mr. Gamba, one of the defendants on  
5 trial, was not known by the witnesses as John Gamba, but as  
6 Sinatra.

7 Joseph Delvecchio, a defendant in the indict-  
8 ment but not before you, was not referred to as Joseph  
9 Delvecchio but as Joe Crow.

10 Conato Christiano, a defendant before you, was  
11 known as Finnegan.

12 Louis Inglese, a defendant on trial before you,  
13 was known as Gigi. And there were others.

14 Certain phrases are applicable to a narcotics  
15 business. For example, heroin is referred to as "goods,"  
16 usually, also referred to sometimes as packages or kis --  
17 kilograms.

18 Sometimes you will hear the phrase that a certain  
19 package of heroin stood on a four, meaning that you can cut  
20 it four times.

21 Moving goods means selling heroin. And there  
22 are other phrases which the witnesses will describe to you  
23 and tell you their meaning.

24 Now, I think that the best way to understand  
25 this case, ladies and gentlemen, is to understand the roles

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2 that each of these defendants that are on trial before you  
3 played in this particular narcotics operation. I will  
4 start from the bottom up, the lower echelon of the business,  
5 and go up to the top.

6  
7 At the bottom there were customers, the people  
8 who purchased the narcotics, to be cut down later on and  
9 resold at a profit, obviously an essential part of the  
10 business, because it was the customers who paid the money  
11 and from which profits were realized.

12 I indicated there were customers from Washington,  
13 D.C. There are some of those customers on trial before  
14 you. Warren Robinson, sitting right over there in the  
15 brown jacket -- he was a customer from Washington, D.C.  
16 who came up to New Jersey and picked up quantities of  
17 heroin.

18 Another customer is Henry Salley, sitting here  
19 in the red shirt. He came up from Washington, D.C., also  
20 accompanied by Warren Robinson, to pick up packages.

21 A man known as Thomas Dawson, also known as  
22 Tennessee, also came up to pick up packages. He will be a  
23 witness for the government, and you will hear his testimony.

24 Another person referred to as, who is not on  
25 trial before you, came from Washington.

I should indicate, in addition to the defendants



1 on trial, his Honor read a long list of other names. They  
2 are co-conspirators. They are not named as defendants  
3 in the indictment. They are not on trial before you, but  
4 they are part of the conspiracy, and you will hear their  
5 names mentioned during the course of the trial.  
6

7 In addition to the customers from Washington,  
8 there were customers in the Bronx. There was Hattie  
9 Ware, sitting here in the gray dress. She was a customer  
10 of this operation from the Bronx, as was her brother,  
11 Butch Ware, William Alonzo, sitting back there in green.  
12

13 In addition to those two individuals, there was  
14 an Al Greene, sitting over here in the red jacket. He was  
15 a customer in the Bronx. In fact, all these individuals  
16 lived in one apartment building, at 1380 University Avenue,  
17 and they received substantial quantities of heroin during  
18 the course of this conspiracy and paid substantial prices  
19 for it.

20 Another customer from the Bronx was Basil Hansen,  
21 who is not on trial before you, but who is named in the  
22 indictment along with his wife, Estelle Hansen.

23 Another customer was John Springer. John Springer  
24 is sitting over there, in the brown jacket, looking straight  
25 ahead. He was a customer from the Bronx as well, and he  
received quantities of heroin.

1  
2 A Manhattan customer was Vincent D'Amico,  
3 sitting back there in the corner in the reddish brown  
4 jacket and the yellow shirt. He was a customer who  
5 received some heroin.

6 All of these individuals were good paying  
7 customers, who paid thousands of dollar to this organiza-  
8 tion for the narcotics that they received.

9 Going up the ladder, we next come to the whole-  
10 sale distributors. The primary wholesale distributors  
11 in this case you will see were Frank Pugliese and John  
12 Barnaba. Frank Pugliese is a defendant on trial, sitting  
13 over there with the beard and the black jacket. John  
14 Barnaba, another wholesale distributor, will be a govern-  
15 ment witness, who will testify before you.

2  
16 These are the individuals who distributed the  
17 narcotics to the customers that I just mentioned. They  
18 had sources. Inglese's primary source was Joseph Di Napoli,  
19 sitting at counsel table, with the glasses and the gray suit,  
20 right over there.

21 Barnaba's principal source was Louis Inglese,  
22 sitting back there in that gray sweatshirt.

23 Barnaba had other sources: Dominick Lessa was  
24 one whom he went to on a couple of occasions to get nar-  
25 cotics, and he even had transactions with Frank Pugliese.



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Going further up the ladder in this organization, as you can tell from what I have just said, Di Napoli was Pugliese's source, and Inglese was Barnaba's source. You will see Di Napoli's role in this organization and how important it was. In fact, you will see how lucrative it was, because there will be testimony that in February of 1972, right in the middle of this conspiracy, he was arrested carrying a suitcase that contained close to \$1,000,000 in cash.

Louis Inglese, the man the witnesses will refer to as Gigi, was the director of operations. You will get some real insight as to how he conducted his operations.

First of all, he had a couple of lieutenants, Joseph Delvecchio, whom the witnesses will refer to as Joe Crow, as I have said, and another one was Thomas Lentini, whom the witnesses will know as Moe Lentini; Donato Christiano, whom the witnesses know as Finnegan. He is on trial, sitting back there, next to Inglese.

The ultimate source of this narcotics is not on trial before you. You will not hear evidence as to who manufactured the narcotics in France, who imported it into this country, or who took it off the ship when it arrived, just as you will not hear evidence as to who the addicts were who eventually injected the narcotics into their

veins, with one exception, that I will come to later.

Basically, ladies and gentlemen, this was between those two levels in the overall narcotics operation.

We are talking about narcotics wholesale distribution in the New York City area extending to Washington, D.C. However, there will be evidence from which you may infer that the ultimate source of these narcotics, from Mr. Di Napoli and Mr. Inglese on down, was a man by the name of Vincent Papa.

For example, you will hear testimony that Inglese told one of the government witnesses that on one occasion he drove an automobile off a ship for Mr. Papa, and that automobile contained 10 packages, meaning 10 kilos of heroin.

On another occasion, Pugliese was asked by Inglese to get him 1 kilo of heroin from Vinnie Papa.

On another occasion, Ralph Toutolan, who is named as a co-conspirator, left the Beach Rose Social Club, saying he was going to get 12 packages from Vinnie Papa.

And finally, the person who was with Mr. Di Napoli the evening that he was arrested with close to \$1,000,000 in a suitcase, was none other than Vinnie Papa.

Some of the defendants in this case had certain



1  
2 specialized roles in this conspiracy. This man sitting  
3 here, John Gamba, who will be referred to as Sinatra --  
4 his only role in this conspiracy, although it was an  
5 important one, was to act as a stash, was to keep narcotics  
6 to hold them, and he was paid money for this, and the  
7 individuals would come and pick up the narcotics to sell  
8 to their customers.

9  
10 Another defendant in this case is named Joseph  
11 Ceriale, who will be referred to as Joe Red, and who is  
12 sitting over there, in the green shirt. He had one  
13 specialized role. He supplied the mannite.

14 The mannite, as you will see, is an essential  
15 ingredient, a mixing ingredient, that is mixed with heroin  
16 to dilute the heroin, and is then packaged for sale.

17 Another person who had a specialized role, who  
18 is named as a defendant in this case but is not on trial  
19 before you, is Frank Pellegrino, whom the witnesses refer  
20 to as Whitney. His role was to launder the money.  
21 Gigi Inglese would give him small denomination bills, lots  
22 of money, and he would take it to a bank nearby the Beach  
23 Rose Social Club to get larger bills, and that was his sole  
24 function: to launder the money.

25 Another defendant on trial was more or less a  
jack of all trades, Angelo Mamone, sitting back there

1  
2 between Mr. Pugliese and Mr. Christiano. Mamone on one  
3 occasion, you will hear, helped Inglese count the proceeds  
4 of a narcotics transaction. He also settled a dispute  
5 on another occasion, where one of the customers of Mr.  
6 Barnaba claimed that the narcotics was not good, was not  
7 sufficiently pure. The dispute was settled by Mr. Mamone.

8  
9 Christiano, whom the witnesses I indicated  
10 will refer to as Finnegan, was also a sort of jack of all  
11 trades. On some occasions he mixed heroin. On another  
12 occasion he was asked by Inglese, and in fact did count  
13 money for him in Inglese's basement. He was generally  
14 Inglese's man Friday.

15 Now, perhaps the most important role in this  
16 organization is the financier. The man who provides the  
17 capital, as in any business, may be the most important of  
18 them all. In this case, the person who provided the capital  
19 who could be described as Mr. Big, perhaps the chairman of  
20 the board of this organization, is Carmine Tramunti, sitting  
21 'way back there in the corner, behind the scenes.

22 MR. SIEGAL: I object to that, if your Honor  
23 please.

24 THE COURT: Your objection is overruled. The  
25 fact that Mr. Tramunti is sitting in the corner is caused,  
obviously, by the fact that this courtroom is too small



2 for this size trial.

3 MR. PHILLIPS: There will be no evidence that  
4 Mr. Tramunti ever handled any narcotics, never delivered  
5 any narcotics, ever sold any narcotics, ever possessed any  
6 narcotics, but there will be evidence that he was the one  
7 who supplied the money for the major operator here: Gigi  
8 Inglese.

9 You will hear testimony that Inglese, who literally  
10 received thousands of dollars in his operation, asked  
11 Tramunti for money when he was expecting some goods.

12 Let me now go into some of the proof in detail  
13 that you will hear during the course of this trial.

14 The first government witness is Primrose Cadman,  
15 a British girl, a former narcotics addict, who in 1969 got  
16 her narcotics to satisfy her habit from Gigi Inglese and  
17 Joseph Delvecchio.

18 At that time, Inglese's business was just starting,  
19 because, as you will hear, the amounts that he sold to Miss  
20 Cadman were very small compared to the amounts that he was  
21 involved in in later years. He sold bags of heroin to her.  
22 In exchange, she paid him with stolen clothes, clothes that  
23 she stole from expensive department stores here in New York,  
24 Sak's Fifth Avenue, Altman's and others.

25 You will then hear from Frank Stasi, a man who

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22a

2 grew up on Pleasant Avenue, a man of limited intelligence  
3 but who became very close to the major people in this  
4 organization. In fact, it was Gigi Inglese who introduced  
5 him to the narcotics business.  
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3 In 1970 Stasi was working at the Beach Rose  
4 Social Club as a steward. His duties, as he will tell  
5 you, would be to mark, score and serve coffee. Inglese  
6 took him aside one day and told him he would like him to  
7 help him in mixing heroin and to be available. From  
8 then on whatever Inglese told him to do with respect to  
9 narcotics he would do it. He mixed heroin. He  
10 acted as a stash. He went and bought mannite from  
11 Joseph Ceriale. He let others use his apartment  
12 and he assisted in mixing substantial quantities of  
13 heroin and mannite.

14 He will tell you about eight mixing sessions,  
15 four in New Jersey at Delvecchio's house, four in his  
16 apartment on Vincent Avenue in the Bronx and basically  
17 the modus operandi was the same each time. He would  
18 be working at the Beach Rose Social Club, as he did  
19 every day, and where he would always see Inglese, Del-  
20 vecchio and Christiano.

21 Inglese would take him aside and say, "I want  
22 you to go out tonight Joe Crow will take you out."

23 So he would go out to Joseph Delvecchio's  
24 house in Bloomfield, New Jersey. Generally they would  
25 go out early, watch television for a while and go up to  
Delvecchio's kitchen and proceed to mix heroin and

mannite. He will describe to you in vivid detail how it is done, how Delvecchio brought out the strainer and the scale and on the first occasion brought out the thermometer to test the purity of the heroin. He brought out playing cards to mix the heroin and the mannite together. He brought out bags and the sealing machine, and then he would bring out the heroin. Generally it was three kilos of pure heroin and they would mix that with an equal amount of mannite and then they would divide it, first weigh it on the scale to see that it was 16 to 16-1/2 ounces, approximately half a kilo, and they would make 12 half-kilo bags, put it in the plastic bags and seal it. When that was all done, they would clean up. And then Delvecchio would take Stasi to a diner and say, "Have a cup of coffee. I have to see my man." He would go off and deliver the narcotics and pick him up, or else if Stasi had his own car he would drive back to the Bronx where he would meet Inglese and tell him everything was all right. Generally he would meet him at the Blue Lounge, because it was late at night and the Beach Rose Social Club would be closed.

On one occasion Inglese went out with Stasi and Delvecchio and assisted mixing the heroin and the



mpa3

mannite.

Stasi will also tell you how Inglese came to him later on and said, "We are going to use your apartment from now on." And indeed they did, and in the very same manner they went up there. Delvecchio again would bring the heroin and they would mix it with mannite.

Now, with respect to Stasi's apartment, Delvecchio and Stasi went out to New Jersey to hardware stores to buy the paraphernalia as it is called, that is, the strainer, the sealing machine, the scales and so forth, so that in addition to the ones that Delvecchio had at his house, Stasi would have them at his house.

With respect to the mannite, when it was done at Stasi's house, Inglese would direct Stasi to go down to Pleasant Avenue in the Bronx to meet Joe Ceriala and to purchase \$2000 worth of mannite. He would go down, go to the barbershop on Pleasant Avenue, meet Ceriala get the Mannite and return to his apartment.

Stasi will also tell you how on occasions a couple of days afterwards he would be going by Inglese's house and stop by and they would be down in the basement, Inglese, Delvecchio, and Christiano, and they would be counting money, bundles of a thousand dollars, and they would recruit Stasi to assist them, the idea

mpa4

being to take the money and making sure it was evenly divided into \$1000 bundles, and on one of these occasions Stasi will testify there was approximately \$35,000 to \$40,000.

He will tell you that Inglese would keep that money in his house and that he, Stasi, was paid for the previous mixing session out of that money, generally one to two thousand dollars.

Stasi will give you the roles of the other defendants in this case. Pellegrino: he will tell you how he went to the bank at Inglese's direction. Delvecchio and Lentini, Inglese's lieutenants, assisted them in the mixing of the heroin and the distribution of it.

He will also tell you about the conversation that he overheard between Inglese and Tramunti at the La Piccola Espresso House. When Inglese asked for Tramunti's money because he was expecting some goods, he will tell you that he was sent by Tramunti to visit Inglese some time after that and asked him whether Inglese's answer was yes or no, that he needed the money, and he will tell you that Inglese asked whether there are "any goods around." Stasi would indicate, "I haven't heard from Delvecchio and Lentini, so I guess there are none



1 around," or Christiano.      Inglese would give the mes-  
2 sage to Stasi to report back to Tramunti that the  
3 answer is "No for now."  
4

5            As I indicated, you will hear the testimony  
6 of John Barnaba, a wholesale distributor whose sources  
7 were Pugliese, Inglese and Dominick Lessa, whose  
8 customers were a man named Richard Forbrick, a defendant  
9 in the indictment but not on trial, and also a man by the  
10 name of Benjamin Tolopka, sitting over there in the corner  
11 in the blue suit, a man whom Forbrick introduced Barnaba  
12 to and to whom he sold cocaine on several occasions.

13            Another man that Barnaba dealt with was John  
14 Springer, sold him cocaine.

15            Basically, Barnaba's modus operandi in his  
16 distribution was as follows:

17            With respect to Inglese, Forbrick worked in  
18 a veterinary hospital up in the Bronx, and he would place  
19 an order with Barnaba.      Barnaba would then go to the  
20 Beach Rose Social Club and he would place the order with  
21 Inglese.      Inglese would tell him to come back later  
22 that night.      Barnaba would come back later that night  
23 and he would either be given the narcotics directly by  
24 Inglese or by Delvecchio or by Christiano either in the  
25 club or outside while he was waiting in his car.

1  
2 With respect to Pugliese, Pugliese was  
3 going to be out of the business for a while. So as a  
4 result he introduced Barnaba to customers. He intro-  
5 duced him to Springer and he introduced him to Frank Russo,  
6 who is sitting in the gray suit next to Mr. Greene.  
7 He was a very steady customer of Pugliese.

8 Barnaba was also introduced by Frank Pugliese  
9 to Harry Pannirello and Pat Dilacio. These were two  
10 individuals who were going to take over Pugliese's whole-  
11 sale distribution business while Pugliese was away.  
12 As a matter of fact, Pugliese, you will hear testimony,  
13 would tell Barnaba in front of Pannirello -- tell  
14 Pannirello and Delacio that "it's all right to sell Barnaba  
15 on consignment."

16 After Pugliese disappeared from the picture,  
17 which was in October of 1971, Barnaba took over purchasing  
18 from the people who ran his operation, and these are  
19 Pannirello and Delacio. In turn, Barnaba would sell  
20 to one of their customers: Springer.

21 Harry Pannirello, another government witness,  
22 whose name I just mentioned to you for the first  
23 time, a co-conspirator in this case, was brought into  
24 this conspiracy by Frank Pugliese 'way back in 1970.  
25 He started out as a courier for Pugliese.



1  
2 I have already indicated to you that Pugliese's  
3 customers were mainly from the Bronx and from Washington,  
4 D.C., and I pointed some of them out to you in the  
5 courtroom.

6  
7 When Pannirello was brought in as a courier  
8 he delivered to these customers at 1380 University Avenue  
9 in the Bronx. He delivered to Greene, he delivered to  
10 Basil Hansen in Hattie Ware's apartment, and he also  
11 met with Pugliese when Pugliese met with the Washington  
12 customers.

13 The amounts involved here are anywhere from  
14 1/8th up to one kilo quantity of heroin.

15 When Pugliese went out of the picture,  
16 Pannirello and Dilacio took over and they took over the  
17 same customers. They also had the same source. In  
18 fact, there was a meeting that took place before  
19 Pugliese went away where he met with Pannirello and Dilacio  
20 and he said that "you are going to get your narcotics  
21 now from Joseph DiNapoli," and he gave them the phone  
22 numbers of the customers and said, "Take over my business,"  
23 and that's exactly what they did. However, they only  
24 purchased from DiNapoli on one occasion, December, 1971,  
25 after which DiNapoli refused to do business with them.  
DiNapoli became very picky, as you can see. It was just

1  
2 a little over a month afterward, as you will see, that  
3 DiNapoli was arrested with close to \$1 million, so you  
4 can see he could be picky with the people he dealt with.

5 MR. LOPEZ: Objection, your Honor.

6 THE COURT: Overruled. Go ahead.

7 MR. PHILLIPS: As a result, Pannirello and  
8 Dilacio had to resort to new customers, and they went  
9 to Frank Pugliese's brother, Carmine Pugliese. From  
10 then on until Pannirello was arrested selling to  
11 an undercover agent in Washington, D.C. in February,  
12 1973, their source of narcotics was Frank Pugliese, a  
13 defendant not on trial before you. Basically, their  
14 idea was to get the narcotics from DiNapoli on one  
15 occasion, thereafter from Carmine Pugliese, stash it at  
16 Gamba's house on Rosedale Avenue in the Bronx, and then  
17 to deliver it to their customers from Washington, D. C.,  
18 where they generally would meet in New Jersey, or to  
19 deliver it up to the Bronx to the customers there at  
20 1380 University Avenue.

21 You will hear testimony from another co-conspira-  
22 tor named James Provitero, a brother-in-law of Harry  
23 Pannirello, and as I already indicated from another  
24 defendant, Thomas Dawson. Provitero assisted Pannirello  
25 in his operations. Dawson, as I told you, was a customer



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2 from Washington, D.C.

3  
4 Now, one other defendant that I have not  
5 mentioned in this case is Joseph Marchese, who is  
6 sitting back there between Mr. Russo and Mr. Springer.  
7 He could probably be described as a wholesaler distributor  
8 of Inglese's as well, because as Frank Stasi will testify,  
9 whenever narcotics were mixed at his place Delvecchio al-  
10 ways told him to keep out two packages, two half kilograms  
11 of heroin, which he did. Several days later, Inglese  
12 would tell Stasi to go to his house and pick up the  
13 narcotics, two packages or one at a time, actually, and  
14 he would say do that and deliver it to Inglese and  
15 Inglese gave these packages, one to Barnaba and one to  
16 Marchese. Stasi didn't know Marchese's real name  
17 at the time, and he will refer to him as Joe Cab.

18 Essentially, ladies and gentlemen, that will  
19 be the government's case. That will be the evidence  
20 that will establish each of the roles of these defendants  
21 in this conspiracy, from top to bottom. We submit  
22 that after you have heard the evidence you will  
23 find that the defendants in each of their capacities  
24 in this conspiracy are guilty as charged.

25 Let me just say a word briefly about the wit-  
nesses.

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2 It is your function and your function alone,  
3 no matter what I say, no matter what 18 defense counsel  
4 who may or may not follow me after I am finished say,  
5 no matter even what the court, the judge says, about  
6 the credibility of the witnesses, it is your function to  
7 determine the credibility of witnesses, to determine their  
8 believability, and that's because you are the triers  
9 of the fact. It is your sole responsibility, only  
10 you, to determine what the facts are in this case, and  
11 you must do it -- in fact, it's your sworn duty to do it --  
12 based on the evidence that you hear from the witness  
13 stand in the form of live testimony as well as documents  
14 and exhibits that are introduced in evidence.

15 Now, in determining the facts you have got to  
16 assess the credibility of the witnesses. In this  
17 connection you have got to use your common sense, your  
18 God-given common sense, which you do not leave out in the  
19 corridor and you do not leave at home when you come into  
20 this courtroom. You will apply it to those witnesses  
21 whom you hear on the witness stand.  
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1 You can be sure that the principal govern-  
2 ment witnesses in this case are not known for their  
3 morality or their rectitude. They are not model citi-  
4 zens of the community.  
5

6 Harry Pannirello is under indictment. In  
7 fact, he has already pleaded guilty to an indictment  
8 charging him with sales of narcotics to an undercover  
9 agent in New Jersey. He is awaiting sentence. Barna-  
10 and Stasi are charged in the New York State courts with  
11 violation of the state narcotics laws and their cases  
12 are pending. In fact, Barnaba has twice been con-  
13 victed of violations of narcotics laws, once state and  
14 once federal. These men are heavily involved in nar-  
15 cotics. But the reason they are heavily involved in  
16 narcotics is because of these people on trial before  
17 you, you will find.  
18

19 Now, while you will not want to invite these  
20 people home for dinner, these witnesses, the government  
21 is not asking you to and the witnesses themselves are not  
22 asking you to. We are asking you to do one thing.  
23 We are asking you to live up to your oath, your sworn duty  
24 of determining and assessing the credibility of wit-  
25 nesses. Examine their demeanor on the witness stand.  
26 Listen to the corroboration of their testimony. But

1 above all, keep an open mind as you listen to their  
2 testimony and the testimony of all of the other witnesses.  
3 We ask you to keep an open mind because this is an import-  
4 ant case. Obviously it is an important case. You  
5 have been sequestered as a jury. This is a sacrifice  
6 to you. It is a sacrifice to you in performing  
7 perhaps the most important civic duty that you can do.  
8 But it is your duty to decide this case from the evidence  
9 and the law, and that is all we ask you to do, and we sub-  
10 mit that if you do do that you will find each and every  
11 defendant guilty as charged at the conclusion of this case.  
12

13 THE COURT: All right. Mr. Marshal, the  
14 jury is going to be excused.

15 Please go back to the jury room and remember  
16 my admonition. Don't discuss this case even among  
17 yourselves.

18 (The jury left the courtroom.)

19 THE COURT: We are going to take a 10-  
20 minute recess now. If you gentlemen have motions  
21 and applications and so on wait until the end of the 10  
22 minutes.

23 (Recess.)

24 (In open court; jury not present.)

25 THE COURT: Who wants to start? Mr. Lopez,



you first?

MR. LOPEZ: Yes, your Honor.

MR. CURRAN: Your Honor, I believe some defendants may be missing. May the record reflect that.

THE COURT: I think they are just walking in.

MR. FISHER: If your Honor please, on the basis of the opening remarks of Mr. Phillips I would move for a dismissal of count 1 of the indictment as I submit it is clear on the proffer made by Mr. Phillips that we have here charged a single conspiracy when in fact the government has every intention of proving a multiple conspiracy.

Further, if your Honor please, I would like the record to note the first time the million dollars was referred to by Mr. Phillips an audible whistle sound came from one of the jurors.

THE COURT: I don't know where it came from. I heard a whistle, I admit that.

The motion is denied.

MR. CURRAN: Your Honor --

THE COURT: You want to be heard?

MR. CURRAN: Yes, sir.

THE COURT: You just won. Go ahead.

MR. CURRAN: Just for the record, your Honor, my recollection of the whistle was that it came from behind me, and I was facing the jury.

MR. LOPEZ: We don't need an evidentiary hearing for that, do we, your Honor.

THE COURT: I would hope not.

MR. LOPEZ: Your Honor, I move in behalf of the defendant DiNapoli for a mistrial on Mr. Phillips' opening on the grounds that on at least three occasions he mentioned that DiNapoli in February, 1972 had been arrested on a charge which, as was obviously well known to the government, was dismissed.

Secondly, I move for a mistrial in connection with the million dollars because of its impact, and now it is quite apparent the type of impact this type of even evidence, prejudicial as it is, and of low probative value, and your Honor not having made a ruling, what effect it will have on the trial of this case.

I am hopeful, Judge Duffy, and I say this sincerely, that the government's intent here is not to usher this in on an opening, submit it to the jury, and then place the court in a bind when the evidence --

THE COURT: Mr. Lopez, I assure you, nobody puts me in a bind, and I think the government knows that.



MR. LOPEZ: I am grateful for that. You are denying my motion?

THE COURT: I am denying your motion, yes.

MR. ELLIS: May it please the court, I think Mr. Phillips erroneously stated to the jury that the defendants were charged with substantive counts without pointing out that Mr. Mamone, for one, is not charged with a substantive count. I would appreciate having that corrected.

THE COURT: I will correct it. I just don't recall it.

MR. ELLIS: He certainly did, Judge.

THE COURT: I believe you.

MR. ELLIS: Judge, I further move for a dismissal on the government's opening remarks. I don't know what the government is going to prove at this stage tying Mamone to the conspiracy. I don't know what a jack of all trades is. That he may have been counting money on a single occasion is not sufficient to tie him to this conspiracy and I don't know what they are going to prove to tie him to this conspiracy, Judge. The opening address as to Mamone was grossly inadequate.

THE COURT: All right. Your motion is denied.

MR. RICHMAN: If the court please, I would move for a mistrial on behalf of Benjamin Tolopka for the allegations by Mr. Phillips in his opening of several transactions, indicating other crimes not charged. This defendant is charged with one count, one substantive count, indicating a particular act on a given date. It is also the same act alluded to in the conspiracy count.

We have demanded a bill of particulars and received only this particular information. I at this point plead surprise as well as demand a mistrial based upon the fact that it alleged other acts not charged.

THE COURT: Your motion is denied, Mr. Richman.

MR. DOWD: Your Honor, in respect to the defendant Russo I wish to point out a very similar situation. I think that the opening statement in respect to my client is patently insufficient.

Also, again, Mr. Phillips in his opening statement referred to Mr. Russo as a customer, a regular business customer, I think, of Mr. Pugliese, and again there is one overt act alleged in one substantive count referring to one time in 1971, yet he referred to him as a regular busy customer on many occasions.

Again, having asked for dollars as to any



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2 other overt acts the government would seek to prove, I  
3 have had that request denied by your Honor, and I would  
4 also plead surprise. I have not the faintest idea at  
5 this point what the government intends to prove in re-  
6 spect to my client and there is no way of me knowing  
7 from the opening statement by the government. I would  
8 say that in this particular case in respect to my client  
9 there certainly are grounds for a dismissal.

10 THE COURT: The motion is denied, Mr. Dowd.  
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2 MR. PANZER: Your Honor, I am going to move for  
3 a mistrial on behalf of my client, Mrs. Ware, on the  
4 grounds that Mr. Phillips in his opening referred to  
5 matters that he was not going to prove. He made a very  
6 prejudicial comment with respect to "Well, there is going  
7 to be no evidence with respect to the manufacture in  
8 France nor is there going to be any evidence with respect  
9 to the addicts who inject the substance into their veins."  
10 I think that is highly prejudicial. It's not before the  
11 jury. There is no reason for Mr. Phillips to make that  
12 comment. It's not part of his proof, not part of his case.

13 The only conclusion is that he wanted it to have  
14 a prejudicial effect, and I think it has. For that reason  
15 I would move for a mistrial.

16 THE COURT: Motion denied.

17 MR. SIEGEL: Your Honor, I am going to join in  
18 the application of Mr. Richman and Mr. Dowd and also claim  
19 surprise.

20 In Mr. Phillips' opening he made reference to  
21 Mr. Springer being a regular customer. However, in the  
22 indictment there is just one act charged, that an act in  
23 November of 1971, and by the tenor of Mr. Phillips' opening  
24 it appears that Mr. Phillips will prove more than one  
25 transaction.



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2 THE COURT: Your motion is also denied.

3 MR. SEGAL: My motion on behalf of the defendant  
4 Salley, your Honor, is based on the statement made in the  
5 opening which identified the defendant Salley as a customer  
6 or as a regular customer -- I have forgotten exactly what  
7 phrase was used -- when in fact the only reference to this  
8 defendant is in the conspiracy count, and in the conspiracy  
9 count the only allegation of an overt act is that he made  
10 a trip north from Washington in the company of a co-  
11 defendant, and that act as further amplified was alleged  
12 to have been for the purpose of making a purchase. I  
13 have had no further amplification of that allegation either.

14 In any event, I think it was improper to identify  
15 this defendant as a regular customer when in fact there  
16 is no allegation in the indictment to which that could be a  
17 reference.

18 THE COURT: All right. Your motion is denied,  
19 sir.

20 MR. SCHWARTZ: Your Honor, on behalf of the  
21 defendant Greene I am going to join with Mr. Ellis in his  
22 motion.

23 My client also is only indicated in the first  
24 count and it would seem by Mr. Phillips' remarks that he  
25 was in substantive counts.

I also join in the argument that references made to a French Connection type of situation were totally onappropriate and I believe highly prejudicial.

I also restate my objection that the \$1,000,000 was mentioned as against my client.

MR. ROSENBAUM: With reference to defendant D'Amico, your Honor, Mr. Phillips in his opening statement puts him at the lower echelon of the alleged conspiracy and at the same time says that he is a customer from Manhattan, which takes in an incredible amount of area.

With reference to the million dollars again, your Honor, relating to the low man in the echelon, the million dollars to be applied to the defendant D'Amico, it is totally inconsistent and highly prejudicial with reference to this man, and I join in co-counsel's motions also.

THE COURT: All the motions I assume everybody is joining in. There is no need to join specifically.

Mr. Richman, you are up again.

MR. RICHMAN: Your Honor, in view of the fact that your Honor denied the motion, which we took exception to, I would like a further bill of particulars to know what my client is charged with.

THE COURT: No, I don't think that is necessary.



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3 MR. KING: Based on the statement made by Mr.  
4 Phillips, as I understood, John Gamba's place was used  
5 for stashing -- I think that was the term he used --  
6 stashing the heroin, from which an inference could be  
7 drawn that this was more than one procedure or more than  
8 one incident, whereas in fact the bill of particulars  
9 narrows down the government's statement of possession of  
10 the heroin to the early evening hours in January, 1972.  
11 As I read it that would refer to only one incident, whereas  
12 from Mr. Phillips' opening one could draw the inference  
13 that this was a regular and continuing procedure. I there-  
14 fore move for a dismissal based on that argument.

15 THE COURT: All right, Mr. King. Your motion  
16 is denied.

17 MR. DOWD: Just to put it n the record, your  
18 Honor, in light of your ruling in respect to Mr. Richman's  
19 request for a bill of particulars, which would also apply  
20 to me --

21 THE COURT: I would assume it would apply to you  
22 and to a number of your co-counsel.

23 MR. DOWD: I just submit to your Honor that this  
24 will effectively preclude my client from adequate representa-  
25 tion in preparation of a defense, in light of the fact that  
he does not have an opportunity to prepare a defense





1  
2 is handier for me to reach for.

3 MR. FISHER: Yes, sir.

4 THE COURT: Mr. Ellis?

5 MR. ELLIS: Yes, sir, I will.

6 THE COURT: Mr. Rosenberg?

7 MR. ROSENBERG: I waive my opening, your Honor.

8 THE COURT: Mr. Warner?

9 MR. WARNER: Yes, sir, I will open.

10 THE COURT: Mr. Richman?

11 MR. RICHMAN: Yes, sir.

12 THE COURT: Mr. Curley?

13 MR. CURLEY: Waive.

14 THE COURT: Mr. Dowd?

15 MR. DOWD: I think so now, your Honor.

16 THE COURT: All right. I am not going to hold  
17 you to it. It doesn't matter.

18 Mr. Schwartz?

19 MR. SCHWARTZ: I am going to waive my opening,  
20 your Honor.

21 THE COURT: Mr. Leighton?

22 MR. LEIGHTON: As of now, your Honor, I intend to  
23 open.

24 THE COURT: Mr. Panzer?

25 MR. PANZER: Your Honor, I really haven't decided

It depends what the other lawyers say. If they cover everything that I want to say, I won't open.

THE COURT: All right. I will put you down for opening. If you want to waive it later, don't worry about it.

Mr. Martin J. Siegel?

MR. SIEGEL: I will be opening, your Honor.

THE COURT: Mr. Murray M. Segal?

MR. SEGAL: Yes, your Honor.

THE COURT: Mr. King?

MR. KING: Waive.

THE COURT: All right. I have one minor house-keeping detail. Mr. Lopez and Mr. Curran, would you come up, please.

(At the bench.)

THE COURT: With this number of openings is it going to matter? They won't be finished until 3 o'clock.

MR. CURRAN: Right.

THE COURT: Should we start at 2?

MR. CURRAN: Yes.

MR. LOPEZ: Sure, your Honor.

THE COURT: You know what we are talking about. He has to make a speech.

MR. LOPEZ: Yes.

(In open court.)



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3 THE COURT: All right, gentlemen. I am going to  
4 direct the marshal to take the jury to lunch and you will  
5 have a lunch break starting now. It's three minutes early.  
6 You have until 2 o'clock. Be back here promptly.

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8 (Luncheon recess.)  
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AFTERNOON SESSION

2.00 P.M.

(Jury in box.)

THE COURT: Mr. Clerk, would you seal Exhibit 3503-A for identification?

THE CLERK: Yes, your Honor.

THE COURT: Mr. Siegal.

MR. SIEGAL: May it please the Court, Mr. Curran --

THE COURT: Mr. Curran is among the missing.

MR. SIEGAL: I see he is missing. Mr. Phillips is here -- counsel for the defense, ladies and gentlemen of the jury.

What an experience you are going to have, listening to the testimony that is going to be brought in in this case.

At the outset, let me say that I represent Mr. Tramunti. He and I were both hiding down there in the back row, so that no one could see us.

Let's put that aside by merely saying that those are the seats that were assigned to us by Mr. Lopez, who happens to be the maitre-d' of these proceedings.

Ladies and gentlemen, I am going to ask you to keep your minds open, clearly open, and think clearly throughout the reception of the testimony in this case,



1 because you are going to learn something that you never  
2 learned before in your lives. You are going to see how  
3 a case is made up upon the basis of the testimony of a  
4 cocaine user going to the toilet.  
5

6 When you listened to Mr. Phillips open up,  
7 he did a magnificent job, and you of course had a right to  
8 expect that what he said he could prove he was in a position  
9 to prove. I say to you that when he painted Mr. Tramunti  
10 as a financier, the financier of this operation by virtue  
11 of the fact that there was a conversation, he very cleverly  
12 forgot to tell you the date of this so-called conversation.  
13

14 If you listen carefully to the testimony, ladies  
15 and gentlemen, you will find that we have an indictment here  
16 charging a conspiracy beginning in 1969, 1970, 1971, 1972  
17 and ending in October some time of '73.

18 Now, when does this big financier come into  
19 this picture? Is there a shred of evidence, and are they  
20 going to attempt to prove that he was in this picture in  
21 '69? In '70? In '71? In '72? No. They are going to  
22 give you a half-cocked conversation from a cocaine user  
23 going to the toilet in February of 1973.

24 They are going to attempt to give you a sentence  
25 that this man, running to the toilet -- God knows for what  
reason, and I suspect perhaps that you will be able to

2 learn why -- not for the normal, natural reasons -- is  
3 supposed to have overheard one man saying to another,  
4 one sentence, and my client never even answering.

5 And that, ladies and gentlemen of the jury, if  
6 you listen carefully to the testimony in this case, is  
7 going to be the entire case against Carmine Tramunti.

8 Let's not forget that Mr. Phillips was very  
9 generous, regardless of the indictment and the bill of  
10 particulars, when he graciously stood up and said, "We  
11 are not going to attempt to prove that Mr. Tramunti  
12 possessed, handled or sold narcotics."

13 What are we doing here? Just what are Mr.  
14 Tramunti and I doing here?

15 Ladies and gentlemen of the jury, this is the  
16 type of case where a jury has to sit back and relax and  
17 listen and pay attention to the evidence as it comes in.  
18 Mr. Tramunti, by his plea of not guilty, says to you that  
19 not only is he not guilty of the charges; he is not guilty  
20 of any acts attributed to him in this indictment.

21 I know, ladies and gentlemen -- there is no  
22 escape from this -- that there isn't a man or woman or child  
23 in this courtroom that is not prejudiced against narcotics,  
24 and as you listen to the testimony, that prejudice has to  
25 be with you. But I ask you, as you listen to the testi-



mony, dispel that prejudice, because it is that prejudice that the government is going to rely on and not testimony, because as far as my client is concerned, Mr. Tramunti, they haven't got a shred of testimony, not a word that he ever gave anybody a quarter -- and you will follow the testimony and see it -- not a word that he ever received any narcotics, not a word that he ever had any narcotics, not a word in this testimony will you find that he ever paid one nickel for narcotics.

And yet here we are, here we are facing an indictment, as has been read to you and will be read to you time and time again, alleging that Mr. Tramunti is a member of this gigantic conspiracy, starting in 1969.

Ladies and gentlemen, you have got to use common sense as you listen to testimony, and when you listen to the testimony in this case and you hear how they got this cocaine user to even make this kind of a statement, you will be astonished.

Remember, Mr. Tramunti -- they say themselves by their bill of particulars -- never entered into this conspiracy or criminal partnership, if you please, until 1973, and yet I heard in the opening statement Mr. Phillips talk about somebody having a million dollars in the beginning of 1972. Well, if they had a million dollars in 1972, what

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51a

2 did they mean Mr. Tramunti for as a financier? I think  
3 that million dollars was enough to finance anything.  
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That's the reason I beg you: keep your minds open. Don't accept at face value the testimony of a witness. Take a good hard look at him as he sits on that stand. Take a good look at him. See how he answers questions. See whether he hesitates, whether he pauses, whether he tries to be tricky. Use the same good common sense that you would in your everyday life, when a proposition is submitted to you, to see whether or not you want to accept the word of the person who is talking to you, and see in this case and especially in this case what was the motive behind the testimony of their star witness, this cocaine user, who is testifying in the manner in which he is going to testify. And there's no secret in what he's going to testify to, because we have been supplied with certain records and reports and grand jury testimony so we aren't guessing.

The main job that you ladies and gentlemen have in this case is to think clearly and not to be swayed as you listen to the testimony of a witness who may be led into saying or answering or following a script that it took months and months and months to learn before they would dare put him on the stand and let me show you why I ask you to follow this testimony carefully.

1  
2 Just think of it. Mr. Big, as they had the  
3 nerve to call him in this indictment -- you can't find  
4 him in this indictment until the 15th overt act and then  
5 they have the audacity to say in the 15th overt act that  
6 the conversation that they are talking about, which is the  
7 basis of putting him into this conspiracy, took place on  
8 January the 14th or January the 15th at 2 p.m.

9  
10 Ladies and gentlemen of the jury, if you will  
11 keep your minds open, you are going to hear when this  
12 witness gave his information to the police and to the  
13 agents and to the prosecutors he said this conversation  
14 took place on February the 12th, and he knew a reason why  
15 it was February the 12th, at the Bonsoir and that the  
16 LoPiccolo conversation, the one upon which the entire  
17 government's case is based, took place one week before  
18 at the LoPiccolo.

19 That means February the 12th, a week before  
20 his February the 5th. That's what you are going to  
21 find was the story he gave these distinguished gentlemen  
22 some time in July or thereabouts of 1973. But when they  
23 started to prepare the case for the grand jury, which was  
24 finally presented to the grand jury in October, they  
25 realized that this conversation couldn't possibly take  
place in February, because a person who was supposed to



1  
2 have had that conversation that was overheard by the  
3 cocaine snorter was unavailable. He was nowhere near  
4 the Bonsoir. He could not possibly have been part of  
5 this conversation. So what do they care? We want  
6 Tramunti, we will get him.

7 You take that stand and that's what you are  
8 going to have to do.

9 MR. PHILLIPS: Your Honor, I don't want to  
10 interrupt Mr. Siegal, but this is becoming argumentative  
11 and not a proper opening statement.

12 MR. SIEGAL: I am asking this jury to look  
13 for this testimony, Judge.

14 THE COURT: All right. Go ahead.

15 MR. SIEGAL: Thank you.

16 You are going to find as you listen to this  
17 testimony that they changed the date and he is going to  
18 come up here and now say this happened January the 14th  
19 or 15th at 2 p.m.

20 That's the kind of a case they have got.

21 Their entire case, ladies and gentlemen,  
22 as you weigh the evidence and analyze the evidence and  
23 sift the evidence and pay attention to the evidence,  
24 is all based on this conversation that never took  
25 place.

1                   mpa4  
2                   But do you think that that was enough for  
3                   them?     Oh, no.     They had to make Mr. Tramunti a part  
4                   of a narcotics case a little more strong, not just that  
5                   he was a member of a conspiracy.     They had to allege  
6                   in the 20th count that he and a man named Delvecchio,  
7                   Inglese and Ceriale, at 1133 Vincent Avenue in the Bronx,  
8                   possessed three kilos of heroin, which was cut and packaged  
9                   at that time.

10                  I defy them to put a witness on this stand,  
11                  any agent on this stand, not a cocaine user but any agent  
12                  on the stand, who will say that those four or five  
13                  people, including Tramunti, were at 1133 Vincent Avenue  
14                  on the days that they are talking about.

15                  You didn't hear about that in the opening.  
16                  Very glibly it was slipped over because they can't  
17                  possibly come in here with a decent, honorable witness.  
18                  They can't put a cop on the stand, an agent on the  
19                  stand, a narcotics agent of the city, state or federal  
20                  government, who could ever say that this man touched,  
21                  handled, used, sold or did anything with narcotics.

22                  And the sum total of this case again -- again  
23                  I repeat -- is the case of the United States of America  
24                  against Carmine Tramunti based upon this conversation  
25                  that never took place, supposedly at the time.



1  
2 I want to show you something. I want you  
3 to watch for this. I want you to listen. I am  
4 going to have an opportunity to point out to you some  
5 very good goodies in this case. You will appreciate  
6 it. You are going to hear testimony by a man that's  
7 interrogating Mr. Stasi, who says, "Do you know who  
8 I am? I am in charge of narcotics prosecutions in the  
9 whole city. I am Mr. Big. I can have it so you  
10 can have no bail. I can get you a 15 to 20 to life  
11 sentence. I can see to it that you don't get out  
12 of jail until the year 2000 or I can let you walk out of  
13 here with a package that we just arrested you with a  
14 few hours ago."

15 And you are going to hear a goodie from the  
16 agents in the interrogation when they are interrogating  
17 this man, "If we can't get him" -- meaning Tramunti --  
18 "on narcotics charges we can always get him on a policy  
19 charge."

20 This is how much seriousness, how much  
21 validity they had to their narcotics case, if they can  
22 get the name of Tramunti on a narcotics case and per-  
23 haps bamboozle a jury into believing that because he might  
24 be well known in gambling and policy throughout the city,  
25 that necessarily means that he must be convicted of

narcotics because, why, "We want it."

Who do you mean, "We want him"?

Another goodie. You know, Mr. Rogers won't be very happy unless he can get Mr. Tramunti. Just think of it. Just think of this kind of preparation for cases.

Then you are going to find some more goodies wherein the witness himself says, "Is that the way you want me to say it? Did I do that right? You know I will say anything that you want me to say."

Look, ladies and gentlemen, as you listen to this testimony again I ask you keep an open mind, listen carefully, but when Stasi takes that stand look him straight in the eye and see how much validity and how much truth there is in his story to get Mr. Tramunti.

Get him for what? He has never handled narcotics, they say, he has never sold narcotics, he never possessed narcotics. He financed narcotics. Financed for whom? Can they show that he ever gave a quarter. I defy them to show that he gave a quarter to anybody to buy narcotics, to show that he ever got a nickel from anybody for the sale of narcotics.

Ladies and gentlemen of the jury, I say to you that in this case you have got to listen to the law as



1  
2 his Honor gives you the law and I ask you to pay  
3 particular attention to the law as he gives it to you on  
4 the presumption of innocence, on the burden of proof and  
5 on reasonable doubt, because reasonable doubt is the only  
6 bulwark you and I and everybody else in this courtroom  
7 can have against this kind of a prosecution, based on  
8 the testimony of some cocaine user going to the  
9 toilet. That's the kind of a case they have here,  
10 ladies and gentlemen, and I say to you if after you have  
11 heard all of the testimony in this case and the law from  
12 his Honor and his Honor's definition of reasonable doubt  
13 and his Honor's instruction to you that if you have such  
14 a reasonable doubt as he has defined it is your sworn duty  
15 to acquit I know, ladies and gentlemen, you are not  
16 going to hesitate no five minutes to find Mr. Tramunti  
17 not guilty.

18 Thank you, ladies and gentlemen.

19 THE COURT: There will be no more of that.

20 Mrs. Rosner.

21 MRS. ROSNER: Good afternoon, ladies and  
22 gentlemen. My name is Nancy Rosner and I represent  
23 Louis Inglese, who is seated behind me at the counsel  
24 table.

25 My remarks to you will be very brief. You

are going to hear so many words in this trial that I am not going to add more superfluous ones than I need to. There are some ideas that I want to convey to you, however.

Mr. Phillips -- and I say this based on experience, sometimes bitter -- is a very, very excellent lawyer. He presented to you a fabric, a picture of what it is that he hopes to prove. He wove all the ends together, filled in the gaps and little chinks, and gave you an image of what it is he hopes to convince you ladies and gentlemen of beyond any reasonable doubt, and I daresay that if Walter Phillips were the witness you ladies and gentlemen might be well advised to accept his testimony and accept his word.

Let's stop for a moment and think about that. After he concluded his remarks to you if he sat down and not another word was said and the judge instructed you on the law, on the government's very heavy burden of proof to prove guilt beyond any reasonable doubt, on the presumption of innocence that clothes every man and woman seated at that table as a defendant, and the judge explained all these principles to you and said, "Now, ladies and gentlemen, render your verdict," you wouldn't even have to leave the jury box. The verdict is obviously not



1 guilty, because prosecutors' words, prosecutors' comments,  
2 are not convincing evidence. The evidence unfortunately  
3 is going to come from the witness stand, not from the  
4 word of a nice, respectable human being like Walter  
5 Phillips.  
6

7 Now, Mr. Phillips painted with a very broad  
8 brush when he described to you the people that the govern-  
9 ment is going to bring in here as witnesses. He  
10 told you that he is not asking you to take these  
11 people home to dinner. He wouldn't ask you to do  
12 that. But he is going to ask you to forfeit the  
13 liberty of every man and woman seated at that table based  
14 on their word. You wouldn't trust them to come into  
15 your house. You wouldn't sit with them for 10 minutes.  
16 That's how much the prosecutor thinks of them. But  
17 he wants you to take away a man's life and his liberty  
18 based on what people like this have to say. You think  
19 about that and you see if that notion sits right with  
20 you.

21 Now, the long and the short of what I have to  
22 say to you is this: Evidence, words, are only as good  
23 as the source. When a liar tells you something you  
24 don't believe it, you don't act on it, you don't make a  
25 decision in your own life that matters to you when someone

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61

2 tells you something whom you don't trust. That's  
3 what we are talking about here.

4 All we are asking you ladies and gentlemen to  
5 do is to sit there with open minds, as clear of prejudice,  
6 as clear of predisposition as any human being can be who  
7 lives in the City of New York and knows the problem of  
8 narcotics.

9 Mr. Phillips tried very hard in his opening  
10 to turn around and let you see Frank Stasi sitting next  
11 to Louis Inglese. He tried to stick him there among  
12 the defendants. He tried to put John Barnaba next to  
13 Mr. Pugliese. But they are not there. They are  
14 not among the defendants. They are not clothed with  
15 the presumption of innocence. They are people who  
16 are admitted narcotics dealers, degenerate users of nar-  
17 cotics. They are not among the defendants. They  
18 are not with Louis Inglese. The government brought  
19 them in here. We did not. They are not our friends,  
20 they are not our associates. We place no credence in  
21 what they say. They are not clothed with any presumption  
22 of innocence. They are there for you to scrutinize,  
23 to pick apart, and to see the truth for whatever you  
24 ladies and gentlemen believe it to be.

25 All we are asking you to do is not be over-



whelmed by techniques designed to do nothing more than engender prejudice in your hearts. Sit there with clear and open minds, with the kind of disposition that you would want a jury to have if your life were at stake. Give us that kind of treatment and whatever your verdict is we will be satisfied and you will have done your duty.

THE COURT: Mr. Fisher.

MR. FISHER: May it please the court, Mr. Christiano, gentlemen and lady at the defense table, gentlemen at the prosecution table, Madam Forelady, ladies and gentlemen of the jury:

I represent defendant Finnegan. That's the man right behind that empty seat that I have just left.

I think by now you well know, if you didn't before you were selected, why you are here. Immediately apparent is the gaping fact that there is one large dispute about what happened a few years ago, and with respect to the defendant Finnegan, Christiano, the dispute is raised by or will be raised by the testimony of Frank Stasi and perhaps other accomplices, and, at this point, at least, by his eloquent denial, Finnegan's eloquent denial, not guilty.

Now, some comment has already been made upon the

excellence of Mr. Phillips' opening remarks, and that was a model opening, and it was clever besides, ladies and gentlemen, because the issue in this trial, the credibility of the witnesses, was saved for last. We went for 30 minutes while Mr. Phillips described almost as if they were facts the charges, the allegations that are going to be made by accomplices.

That is another one of our fancy legal words, as his Honor has pointed out. In this case the word "accomplice," ladies and gentlemen, means junk dealer. That's the testimony that will be adduced against Finnegan.

Unlike perhaps some of the people here, Finnegan and I know why we are here. We are here because Frank Stasi and perhaps others say that we were involved in a narcotics conspiracy. Ladies and gentlemen, the critical date in this case is May 22, 1973. The evolution and genesis of this case, how it began, where it started, was May 22, 1973. That is the day they got Frank Stasi. That was the day Frank Stasi made his deal to trade his liberty for Finnegan's.

Now, that is a monstrous charge to make and you may well be wondering what kind of a man could possibly be willing to trade the liberty of an innocent man for



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64

anything. You will learn what kind of a man Frank Stasi is. Much has been said and much will be proven, ladies and gentlemen, about the essential qualities of Frank Stasi.

The moment of decision, however, was made on that fateful day of May 22, 1973. From that moment on Finnegan was in a whole lot of trouble because Frank Stasi was in a whole lot of trouble. He had, unfortunately for many of the people in this courtroom, dealt a pound of heroin to Allie Boy. Allie Boy, unfortunately, was an undercover police officer.

Now, you don't need to be an expert in narcotics enforcement or an expert in defense law to realize that an undercover narcotics sale is about the toughest case in the world to defend, and that's what he had, and as if to make sure that the point wouldn't be lost on Stasi Frank Rogers, the world's leading authority on narcotics prosecutions, told him, "You may win, but the chances against you are 99 to 1. You are 52 years old, Frank. You are going to get 25 to life, Frank. You won't see the Parole Board until you are 77, Frank. What about your son, Frank?"

And then they, not Stasi started mentioning the names and they let Stasi know what it was that Stasi had to deliver for the keys to the jailhouse door.

SOUTHERN DISTRICT COURT REPORTERS

UNITED STATES COURT HOUSE

POLEY SQUARE, N.Y. N.Y. 10037 TELEPHONE: CIRTLAND 7-4100

23 2 So that's why Finnegan is here, ladies and  
3 gentlemen. I do not deny or contest an association  
4 between Finnegan and Stasi. Yes, indeed, there was one.  
5 Amongst other places the testimony will take you in this  
6 case will be on a kind of cultural tour of the Italian  
7 community in the Bronx and you will learn about social  
8 clubs. You have heard reference to one by Mr. Phillips.

9 As far as Finnegan is concerned, the social club  
10 was not the den of complete iniquity, as Stasi might well  
11 portray it to be. It was instead a place where people went,  
12 men mostly, I think exclusively. Perhaps they drank, they  
13 played cards, they bet on numbers.

14 Now, let me pause right here, in a manner of  
15 speaking, and tell you one thing. Finnegan took numbers.  
16 He took bets from people on numbers. Now, that's a crime.  
17 It's a crime against the laws of the State of New York.  
18 It is not, ladies and gentlemen, the crime charged here,  
19 and there is a world of difference between the one he  
20 committed and the one that is charged.

21 Now, I had a great deal of trouble wending my  
22 way up here because there are an awful lot of people in  
23 this courtroom. The burden on you is almost unbelievable.  
24 18 different trials are going on here all at once, 18  
25 different trials. If you had any wonderment as to why



1  
2 it took us so long to select you you know now, because  
3 Finnegan is entitled to his separate consideration from  
4 each of you. These men and women in this case don't sink  
5 or swim together. Guilt and innocence are individual  
6 things.

7  
8 This man and these men are lying about Finnegan.  
9 He is the only one I represent, the only one I care about,  
10 he is the only one I ask you to give separate and distinct  
11 consideration for.

12 Now, Mr. Phillips referred to nicknames. He  
13 didn't refer to Stasi's nickname, Booboo. And there,  
14 ladies and gentlemen, lies the first revelation into the  
15 defense of Finnegan. Compare, if you will, the nicknames  
16 Finnegan and Booboo.

17 Obviously a nickname grows and develops, is  
18 adhered to because it characterizes in some way, some  
19 symbolic way, perhaps, the kind of person the bearer of  
20 that nickname is. Finnegan is the name of a nice,  
21 innocent kind of leprechaun type of guy, and if you look  
22 at Finnegan that is really what he looks like and that is  
23 really what I think you will find that he is. Booboo, on  
24 the other hand, was the guy they dumped on, in the vernacular.  
25 You see, Finnegan and Booboo worked in the social club.  
They tended to the game, and they were paid for that, and

1 they took numbers, and they were paid for that. But whereas  
2 Finnegan was liked by the players in the game, Booboo,  
3 like Dumdum, wasn't. Booboo was dumped on, Finnegan  
4 wasn't, and gradually in time there became apparent a kind  
5 of friction and eventually jealousy. Finnegan was given  
6 the numbers betting and Booboo lost the numbers betting,  
7 and that meant money, and Stasi didn't like it at all.  
8

9 So, ladies and gentlemen, when it came time to  
10 start making his deal, to start doing his thing for freedom,  
11 it wasn't hard, it was a very short jump to put Finnegan  
12 into that horrible seat he now occupies.  
13

14 Now, I think Mr. Stasi will be our second  
15 witness. There may be others in this case. John Barnaba,  
16 perhaps, will make similar statements.

17 Let me remind you of something I think we learned  
18 way back in elementary school, and it applies in the world  
19 of mathematics and it applies, I submit to you respectfully,  
20 just as forcefully in our own everyday common sense.

21 We learned that zero plus zero plus zero plus  
22 zero ad infinitum still winds up zero and we have learned  
23 one times zero or two times zero or three times zero still  
24 winds up zero. I fear the government will submit to you  
25 another mathematical equation at the end of this case.  
Barnaba, well, he is a bad guy. Stasi, he is another bad



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2 guy. Two zeros, ladies and gentlemen. Mr. Phillips or  
3 Mr. Curran or whoever it is who will argue to you will  
4 suggest that somehow through some mathematical slight of  
5 hand it adds up to one.

6 No, ladies and gentlemen. These witnesses  
7 were developed by the same people essentially and they  
8 come in here very possibly with the same story, but they  
9 come in here, ladies and gentlemen, because they have got  
10 to get on that stand to get out of a lifetime in jail.

11 Ladies and gentlemen, I submit to you that  
12 besides the fact that these witnesses are motivated, the  
13 things they say will simply fall apart in terms of reasonable  
14 analysis. Certainly with regard to the allegations that  
15 I am aware of now, on cross-examination I believe it will  
16 be possible to show to you the logical inconsistency,  
17 the fabricated aspects of the testimony of Frank Stasi.  
18 Remember, ladies and gentlemen, we start with the simple  
19 fact that he knew Finnegan, he knew him as someone who  
20 worked in the social club, and he had reason to trade  
21 Finnegan for some small piece of the freedom he so desperately  
22 seeks here.

23 The evidence comes in, as Mr. Phillips said,  
24 in bits and pieces, and so does the defense, ladies and  
25 gentlemen, come in in bits and pieces. It comes in some-

1 hp5

2 times perhaps by mistake on direct examination of witnesses,  
3 it comes in in larger quantities on cross-examination,  
4 and it may well come in through the introduction of  
5 testimony by witnesses brought forth by the defense.

6 In any event, ladies and gentlemen, remember, this is a  
7 case, at least at its beginning, at its inception, of  
8 Booboo versus Finnegan. I think at the conclusion of this  
9 case you will vote in favor of Finnegan.

10 THE COURT: Mr. Ellis.

11 MR. ELLIS: May it please the Court, Mrs. Hare,  
12 ladies and gentlemen of the jury, Mr. Phillips, defense  
13 counsel:

2 14 My name is Robert Ellis and I represent Angelo  
15 Mamone, the gentleman in the blue suit sitting there with  
16 his arms crossed. I will try very hard not to be repeti-  
17 tious. I apologize for the fact that you are going to be  
18 subjected to 12 or 14 or 16 or 18 speeches, but one of the  
19 first things that you were told this morning was that this  
20 was an important case. Well, it's no more important to  
21 anyone in this world than it is to Angelo Mamone and his  
22 wife and children, because his liberty is at stake and his  
23 life is at stake and the lives of his children are at stake.

24 Angelo Mamone came here voluntarily from Florida,  
25 where he lives, to face the only charge against him. This  
morning Mr. Phillips told you that each of the defendants



1 hp6

2 was indicted for conspiracy and a substantive count, that  
3 is, they both agreed to sell narcotics and they in fact  
4 did sell narcotics.

5 Mr. Phillips was wrong, ladies and gentlemen.  
6 He is not familiar with his own charges. Angelo Mamone  
7 is not charged with selling narcotics. There is no suggest  
8 of that anywhere in this case. He is charged with one  
9 single thing, that is, conspiring to sell narcotics.

10 His name appears in the caption of this case  
11 amongst a whole load of other people and then they generally  
12 say he was part of a conspiracy. What does that mean?  
13 The Judge will give you the legal definition later on, but  
14 I think I can say it very simply. It means the government  
15 says that he was in the narcotics business, that he had  
16 a stake in that business, that he was part of it, that  
17 he was a part of a profit-making enterprise. They describe  
18 this vast amount of money this business generated.

19 Well, let me tell you what they don't charge.  
20 That is just the generality that they use, that he is in  
21 this business. But they have turned over a whole load of  
22 material to us, written material, electronic material.  
23 They had all the resources of the Federal Government in  
24 this case. I don't know how many FBI agents and narcotics  
25 agents and New York City Policemen investigated Mr. Mamone

1  
2 and followed him and surveyed his every move over the  
3 four years they say this conspiracy existed. At the end  
4 of that surveillance and intensive investigation by the  
5 most sophisticated and modern means available to the  
6 Government of the United States they don't say he sold a  
7 single ounce of heroin or any other drug, they don't say  
8 he possessed it, they don't say he made a dime out of it.  
9 Nowhere do they charge any of those things. They don't say  
10 he processed any of it, they don't say he financed any of  
11 it.

12 Well, if at this stage you are asking yourself  
13 what he did do, I would like to know myself, ladies and  
14 gentlemen, because this morning Mr. Phillips was standing  
15 here and he said, "I am going to describe the role to you  
16 of each of the persons named in this indictment," and he  
17 started at the bottom. He said, "We will start with  
18 customers and go on with sellers, and then we have suppliers  
19 of sellers and we have financiers." He said, "Oh, yes.  
20 I will add some people I didn't name. There is Angelo  
21 Mamone, who is a jack of all trades," whatever that is.

22 I don't know what a jack of all trades is,  
23 but by Mr. Phillips' definition it's apparently a person  
24 who over a four-year period that this conspiracy supposedly  
25 existed, over a four-year period, on one occasion helped



1  
2 some people count some money. That's what he did, they  
3 say. That's what they say he did.

4 They didn't say he got anything out of it, they  
5 didn't say he was connected with narcotics. But he counted  
6 money once in four years, and that puts him into the  
7 narcotics business by their lights.  
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3A

There was one further thing, they said, and I heard this for the first time this morning: that he helped settle a dispute -- whatever that means. I won't say a great deal about it, because I don't know when that dispute took place, between whom it was, between whom it existed, what it was about, but I am supposed to defend Mr. Mamone against it. We heard about it for the first time this morning.

I have to assume now, until I hear the evidence, that the only thing that Mamone did over that four-year period -- because this is the only thing in the indictment, the final charge -- is that he was present on one occasion when money was counted.

Ladies and gentlemen, you don't take a man away from his family and send him to jail and brand him a narcotics pusher on that. You just don't do that. You don't condemn a man with his life style. Mr. Mamone is not on trial here for his associations. I assume the government will prove that on some occasions Mr. Mamone was in the presence of some of the people involved in this case -- by no means all, but a few.

Let me tell you a little about that.

Mr. Mamone owned two businesses at various times near the location of the club mentioned in this case. Mr. Mamone is a gambler -- not in the sense that he is a



1 pp2

2 criminal gambler. He will find a card game wherever he is.  
3 He was present at that club, and he played cards on  
4 occasion, and that's what he did there. His business  
5 partners will tell you that he was in that club when they  
6 went in after him that day. He was in that club. He  
7 was in a lot of clubs. Not narcotics. He had nothing  
8 to do with narcotics, never had it. Nobody said he had it.  
9 He never sold it, never processed it. He doesn't belong  
10 in this case, ladies and gentlemen. He's in this case  
11 because those witnesses, whom every lawyer before me  
12 described somehow -- one of them said he was present when  
13 that money was counted.

14 Now, I heard the tape of the interrogation  
15 of that witness. That mention of Mamone does not exist on  
16 that tape, so he must have told his interrogators about  
17 this money-counting incident on some other occasion.

18 But what does appear on that tape is the  
19 intense pressure that this admitted pusher is subjected to.  
20 They told him at the start that they are going to give him  
21 a life sentence, that he'll never see the light of day  
22 unless his cooperation is complete, but he walks out on  
23 the street if he cooperates.

24 So he gives them some names. He gives them some  
25 names, and they say, "That's not cooperation," and they

1  
2 squeeze him a little more, and they call him the vilest  
3 names in the book, and they make threats against him, and  
4 they tell him what the inside of a jail is like -- as if  
5 he doesn't know; he's been there several times -- and they  
6 squeeze some more names out of him, and somehow down the  
7 road the little guys get thought of; the Angelo Mamonos  
8 get thought of, and they say, "Oh, yeah, he was there,  
9 too. He was there when money was counted." That's when  
10 he was there.

11 You can't put human lives on the line on the  
12 basis of dope pushers subjected to that kind of pressure,  
13 the alternative between life in jail or life on the street --  
14 not just plain life on the street; a new identity, they are  
15 promised, a new start in life, with no restriction on what  
16 they can do.

17 It's on those tapes. You will hear them yourselves.

18 Just one final thought I would like to leave with  
19 you, ladies and gentlemen.

20 Any human being in this day and age is an  
21 insensitive fool if they aren't deeply concerned with the  
22 narcotics problem. It's probably the greatest urban problem  
23 facing us today. It kills. It destroys lives. But what  
24 a tragedy it would be if those pushers that are going to  
25 take the stand are allowed to destroy other innocent lives



1  
2 in this courtroom to save their skins so they can be returned  
3 to the street. Don't let that happen.

4 THE COURT: Mr. Warner.

5 MR. WARNER: Judge Duffy, ladies and gentlemen  
6 of the jury:

7 My name is Ken Warner, and I represent Joseph  
8 Cerialo. That's Mr. Cerialo, sitting behind my seat.

9 I want to make one thing very, very clear to you at  
10 the beginning, because you couldn't tell this if you listened  
11 to Mr. Phillips' opening.

12 I represent Joseph Cerialo. I do not represent  
13 Joe Red. There is no Joe Red in this case, at least  
14 insofar as Joe Red is supposed to be Joseph Cerialo.

15 My client was dragged into this case by the name  
16 Joe Red. He was never called Joe Cerialo. That's his real  
17 name and that's his only name. But he was brought into  
18 this case by the name Joe Red.

19 I don't mean to say that this is a case of  
20 mistake identity or it is a case of the right man being  
21 given the wrong name. It's a case of a deliberate falsifi-  
22 cation, a deliberate lie by a man who knows that Joseph  
23 Cerialo has only one name, and that's Joseph Cerialo,  
24 and who knows that Joe Cerialo never had any involvement  
25 with any of the crimes that are charged in this indict-

ment, because as you know by now, the man who is going to make that lie is Frank Stasi.

Fortunately, it's very difficult, its' very, very difficult to lie when twelve intelligent people like yourselves are listening and scrutinizing and judging the testimony that is given. You have to be an extremely clever person to be able to lie successfully under those kinds of circumstances, and Frank Stasi is not a clever man. Mr. Phillips described him as a man of limited intelligence. Well, that's certainly true, but he is limited in practically every other way as well. He is a man of limited decency, if any; limited honesty, if any, and limited reliability, if any.

For that reason, a good part of my client's defense will come from the mouth of Frank Stasi himself. His own words will prove him a liar when he tries to point the accusing finger at Joe Ceriali.

So I hope you won't expect that our defense just begins when we put on our first witness. It begins with the first question that I ask Mr. Stasi on cross-examination. Actually, I hope that it will begin before that, with the first word that he utters on the stand.

As you listen to him, evaluate his testimony, consider its reasonableness with your own common sense.



1           pp  
2           Mr. Phillips said that Frank Stasi grew up on  
3 Pleasant Avenue. Well, Joe Ceriali and his wife and  
4 his daughter spent a number of years, many years of their  
5 lives living in that general neighborhood.

6           Joe Ceriali is a working man. He's come back  
7 from work, sometimes he's played cards on the street with  
8 different people. In fact, that's how Frank Stasi knows  
9 him at all.

2           But Frank Stasi and Joe Ceriali took two very  
10 different paths in life, and you are going to have an  
11 opportunity to know firsthand which path Joe Ceriali took,  
12 because he is going to get up on the stand and tell you  
13 about it. He doesn't have to. He wants to, and he's going  
14 to. He is going to take the stand, and you will find out  
15 that he is married; he has a wife named Rosalie, who works,  
16 too. He has a daughter named Linda. She goes to college.  
17 She is nineteen years old.

18           And you will find that Joe Ceriali is a man who  
19 has worked all his life, not just one job, two jobs plenty  
20 of times and maybe more, back-breaking jobs. Right now, he  
21 works for the Housing Development Corporation. He does  
22 carpentry work, glazing work, plastering work. He is sent  
23 out to buildings where landlords have repeated violations  
24 and they are not doing anything about it, and he goes out  
25

1  
2 and trains the crew and teaches the crew as well, and they  
3 fix up that area.

4 Now, of course, Mr. Phillips wants to put Mr.  
5 Ceriale into this main conspiracy that he is talking about,  
6 this main drug conspiracy. I think its pretty obvious,  
7 though, that with the money that Mr. Phillips is talking  
8 about, nobody goes out and breaks his back the way Joe  
9 Ceriale did, and that's exactly what he did. He's a man  
10 who has no connection with this kind of thing.

11 You know, when he came to my office, and we were  
12 talking about this thing, this case, I said, "You know,  
13 they are charging you with being involved with mannite.  
14 He said, "Who's mannite?" He didn't even know that mannite  
15 is an it, not a who, that mannite is a material that, as  
16 Mr. Phillips said, you mix with drugs or heroin, and it  
17 cuts it down and dilutes it.



1  
2 Mr. Ceriale will be before you on the stand  
3 you will be able to hear him.

4 Not just Mr. Ceriale along, though. But  
5 Mr. Ceriale's whole life speaks out against Frank Stasi,  
6 and Frank Stasi's own words are going to speak out  
7 against Frank Stasi, because one of the lawyers, I think  
8 perhaps it was Mr. Fisher who said people get nicknames  
9 and there's a reason why people get nicknames. Well,  
10 I don't know who Joe Red is, I don't even know if he  
11 exists, but if he exists there's a reason that he had  
12 that name and that reason was placed on tape by Frank  
13 Stasi, and you are going to hear it and I am going to ask  
14 you to take a look at Joseph Ceriale and you are  
15 going to realize that the reason tthat Joe Red is  
16 called Joe Red is the proof that he bears no relationship,  
17 no connection whatsoever to the man that unfortunately is  
18 in the place of Joe Ceriale.

19 The only other thing I would like to say to  
20 you is repetitious somewhat but I hope you will excuse  
21 me because it's so important and that concerns the need  
22 to see each case, each defendant, separately. There  
23 are 18 people sitting together at this table but each  
24 man stands alone in front of you. Each man's fate --  
25 and it is each man's fate that you are deciding -- must

be decided separately.

Of course, it's very difficult. I think the best words to describe it were used by Judge Duffy when he spoke with you initially, I think when everyone was sitting out in the general area. He said, imagine if someone whom you loved very much, someone who was very important to you, were charged wrongly in a criminal case, wouldn't you want to be the kind of juror that would judge that person?

In the same way, Mr. Cerialle stands here accused; he is accused wrongly. I ask you to be the kind of juror who can look at his case, see his innocence, understand his innocence by evaluating the testimony against him, by listening to Mr. Cerialle and considering his believability, his reasonableness, his life.

And know, there is something about a life, You can't prepare it. You can't rehearse it.

Mr. Stasi, he's just going to have testimony up there. He's not going to have any life. Oh, he'll have a life all right, if you want to call it a life. And you can rehearse testimony. You can go over it and over it and over it and that's exactly what he did, over it and over it and over it, but you can't prepare your life for a moment like this. You can't rehearse



1  
2 that. You live the way you live. It's written in  
3 the book and it can't be changed.

4 Well, Joseph Cerialle has nothing to fear  
5 about accounting for the life that he has lived.

6 Ladies and gentlemen, I have faith in all of  
7 you, I have confidence that you will do your duty  
8 as jurors and that when you do you will vindicate Joseph  
9 Cerialle

10 Thank you.

11 THE COURT: I believe it's time to take an  
12 afternoon break. It's time for the afternoon recess.

13 The marshals will escort the jury out of the  
14 room and everyone else will remain seated.

15 (The jury left the courtroom.)

16 THE COURT: I will just mention one thing:  
17 I noticed one of the defendants clapping his hands and  
18 making noises. I have advised the attorneys how exactly  
19 I am going to deal with this. I will expect that there  
20 will be no repetition of this kind of thing. All  
21 right. We will take ten.

22 DEFENDANT GAMBA: I'm sorry, your Honor.  
23 I thought it was going to be spontaneous.

24 (Recess.)

25 (Jury present.)

THE COURT: Mr. Richman.

MR. RICHMAN: Your Honor, Mr. Curran,  
ladies and gentlemen of the jury:

My name is Murray Richman. I am the attorney for Benjamin Tolopka.

Mr. Tolopka, please stand up.

That's Benjamin Tolopka. I asked him to stand up because I want you to identify him. I want you to know who he is.

This is a very big case in terms of numbers alone and unless you begin to identify each person here it will have all gone to naught.

I'm on this case for some period of time. I can't identify everybody at the table. It is a very difficult job.

They are all individuals, and you will see that most of them have had nothing to do with each other and yet they are thrown here into a conspiracy case, and you lay people here, jurors, you see a group of people around the table and you assume, well, they had something to do with each other. The conspiracy is occurring right here.

That's not the fact. I represent Benjamin Tolopka only and that's Benjamin Tolopka.



1  
2 I will be a little long, I hope not too long,  
3 but I promise you one thing, you won't hear from  
4 me again for at least 10 days, ~~nhoo~~ until they produce  
5 John Barnaba.

6 Now, an opening is supposed to be sort  
7 of like a road map, some kind of design to show you  
8 what's happening. Mr. Phillips has spun a truly  
9 hideous story. I want to tell you the other side  
10 of the coin.

11 Now, Mr. Tolopka wasn't mentioned in the  
12 first part of Mr. Phillips' story at all. In fact, he  
13 wasn't even mentioned in the second part of the story.  
14 He was almost like an afterthought. In fact, in this  
15 case he is an afterthought, because he wasn't even  
16 arrested at the same time as everybody or at the same  
17 general time as everybody else. He was only arrested  
18 last month. Yet he is alleged to have been involved  
19 with something in 1970, in August of 1970.

20 He is charged with two counts, one of con-  
21 spiracy in that in or about August, 1970 Benjamin Tolopka  
22 received a quantity of cocaine.

23 If you go to No. 7, 10 and behold, what do we  
24 see, he is also charged with receiving a quantity of  
25 cocaine in or about August of 1970. It's the same

1           mpa  
2           thing.     One is a substantive count, and one is a  
3           conspiracy.     The same act.     We know it's the same  
4           act, because as lawyers we are required to ask the  
5           government for more particulars about this case and as  
6           an attorney did I ask that and got a written response and  
7           the written response states -- the question was when did  
8           this alleged act take place?     They said the early  
9           evening hours of the latter part of August, 1970, at  
10          1464 East 233rd Street in the Bronx.     That's where Mr.  
11          Tolopka lives.     And they alleged an amount of cocaine  
12          in the amount of 1/4 of a ki or approximately 8-1/2  
13          ounces was received from John Barnaba to Benjamin  
14          Tolopka, but no money was exchanged -- the government's  
15          own bill of particulars.

16                   That's it.     That's the whole case against him,  
17          supposedly.

18                   But we have a conspiracy case here.     If I  
19          might go back for just a moment.     They don't give me a  
20          date or a time, just general evening hours or August.  
21          I will show you how weak that is.

22                   Now, in theory, conspiracy cases should be the  
23          hardest cases in the world to prove.     It is supposed  
24          to be done in secret, among men conferring with each  
25          other.     It's nonsense.     This whole case is nonsense.



1  
2 It's fabrication of the prosecution. Take a lot of  
3 people and dump them together and they kind of get lost  
4 in the shuffle.

5 Mr. Tolopka doesn't even know anybody else at  
6 this entire table -- no one.-- and the government won't  
7 be able to show that he knows anyone at the table.

8 Whom did he know? Well, the government  
9 alleges, and it must be true, that John Barnaba, whom  
10 my client knew as John Bonneville, knows my client.

11 That's the entire case here.

12 Mr. Barnaba will be the man testifying  
13 against Benjamin Tolopka.

Mr. Barnaba, who has two previous narcotics convictions, who we will show is a treacherous liar, he will accuse my client of a transaciton in August of 1970. He is going to act as judge and jury. He is going to tell you that he gave him narcotics. No chemical analyzation, no reports, nothing, just his word.

Now, I keep referring back to the date, the latter half of August of 1970. I am going to tell you something about that date. You see, John Barnaba is a liar, simply because it couldn't possibly have happened.

Now, Mr. Tolopka will take the stand, He will testify and he will tell his story. But he will tell you first a little about himself. He will tell you he is 55 years old, never ever been involved in anything in his life, that he is married to Bertha Tolopka for 35 years. By the way, you will meet Bertha Tolopka too. She is a witness in this case. She will appear here. How, she is paralyzed and she will appear in a wheelchair. She is totally cared for by her husband, and this will be part of the testimony as well.

You will learn also that Mr. Tolopka has two children, a married daughter who has four children, who also will be a witness in this case, for a very important reason, which I will be coming to, and a grown



son, and that he lives in the North Bronx for 23 years in the same house, a house he bought for \$11,500 23 years ago. It's not much of a house to speak of, but his own.

But the point I haven't told you is that Benjamin Tolopka was a polieman for 24 years, up to 1966, when he retired, with 41 citations, that he has a completely unblemished record, that he doesn't smoke, he doesn't drink, he doesn't gamble, that since his retirement he has worked at Yonkers Raceway as a security guard during the racing season, and in addition to that, he sells jewelry on the side, and he has a license for it and a sales tax number, and that he reports every penny of his income from his sales tax number from his jewelry and from the race track and from his pension fund, and we will introduce his income tax returns.

He will also tell you how he met John Barnaba, that he may have known him before passingly, but that in May of 1970 Mr. Tolopka's car burnt up on the highway, his motor burnt out, and he went to buy a new car, and he met this Mr. Bonneville, who owned or worked at a lot at Boston Post Road, that he met this Mr. Barnaba and they agreed to purchase a car. Barnaba

said, "Don't worry, I will take care of it for you."

Ben Tolopka gave him \$300. That is in May of 1970 and he didn't see Barnaba again until November, 1970, because Barnaba took off, with his money, without delivering the car.

He met him in a parking lot again in November, 1970, not August, as I say, because it couldn't have been August, and I will tell you why shortly. They had a fight in the parking lot in November, '70 and Ben Tolopka made him give back his \$300.

Now, you might ask if that is all there is to the case and Mr. Tolopka didn't have any transactions with Mr. Barnaba why was he arrested. Well, Mr. Barnaba is trying to save himself. He is a two-time loser, an admitted dealer in narcotics, a liar of the worst order, and a complete degenerate individual, and you will see that too. He brings in a man like Mr. Tolopka, not at the beginning of the case, because if he was cooperating from the beginning, which apparently he was, why wasn't Mr. Tolopka arrested at the beginning. Why did they wait until just last month, until December. December 5th Ben Tolopka was indicted, not before.

You see, he is cloaked, this Barnaba, with the mantle of respectability. He is an informer.



1 Suddenly he is purged of all his sins. He saw the 1  
2 light.  
3

4 You see, Barnaba is truly the sum of the  
5 earth, the lowest form of animal, and I will show that.  
6

7 MR. PHILLIPS: Your Honor, I don't want to  
8 interrupt Mr. Richman, but this is also becoming argu-  
9 mentative. It's proper summation, not an opening.

10 THE COURT: I will let it go.

11 MR. RICHMAN: Getting back to why it  
12 couldn't have happened in August of 1970, I have been  
13 advised it is bad policy to tell you my defense at this  
14 early stage of the game, but I have confidence in you to  
15 see the truth, and notwithstanding what may happen with  
16 government agents going to see all our witnesses, which  
17 I want to prove the case, I have informed the government  
18 from the very beginning that we have an alibi defense --  
19 pardon me.

20 THE COURT: I think you better restate the  
21 last sentence. I think it was lost in the coughing.

22 MR. RICHMAN: I told the government from  
23 the very first that it could not happen this way,  
24 Mr. Tolopka was not available in August to have made  
25 this transaction. I even told Mr. Phillips, "Go talk  
to him yourself. Figure it out for yourself. The man

is wrongly accused."

Why? You see, the latter part of August, 1970 -- let's give Mr. Barnaba the benefit of the doubt, let's start the latter part of 1970 -- in August, 1970 Mr. Tolopka was away in Warren, New York with his family. That Warren, New York address, by the way, is a house owned by his daughter. They paid \$6000 for that little family house in Warren, New York in 1967.

He returned on the 17th of August, 1970, the latter part of August, the evening hours, What would you say evening was? Six, 7, 8? I told you Ben Tolopka works at the track. From August 17th through August 22nd he was working at the track, signing in at 5 o'clock, straight through to 11:45 at night, when he signed out. So he couldn't have been available during these alleged early evening hours, could he? Maybe Mr. Barnaba will somehow wiggle out of that. Maybe he will come up with something else. Who knows.

Then on August 23rd, in the early morning, from the track he went home and he changed his clothes, 6 in the morning he goes back to Warren, New York to stay with his family for the rest of the month of August, with the exception of the date of August 31st, when he goes back to work at the track that day straight from Warren,



New York.

Where can we possibly have the time to commit this alleged transaction? Don't take my word for it. We will have the records down here from Yonkers Raceway. You can see when he signed in. I think we have letters to that effect now. We will have his Police Department record here too, so you can see what kind of man you are dealing with.

Mr. Tolopka has the highest, one of the best records in the Police Department. He rose to the rank of detective. And allegedly Mr. Barnaba will have you believe that he was dealing in drugs. With what, \$7000 that he has in the bank and his pension fund, all he has in the world?

I suggest, ladies and gentlemen, that this entire trial is really a show trial. I don't know what kind of precedent they are trying to establish, but these kinds of trials should not be. You can't lump a bunch of people who are completely unrelated together and make a case, because if you fail to judge this case individually you will be establishing a new concept, you will be ushering in a new age, an age, like the Bible says, an age of Gog, Magog and the Leviathan, which are symbolic creatures of evil who allegedly came forth

to make false accusations against the citizens of Jerusalem, and these men like Barnaba and the rest, this is the slime that is coming forth. It is their word that will let you decide guilt or innocence of people, admitted drug pushers, convicted drug pushers, people who change their stories.

I point out something else to you about this John Barnaba. Why did he pick on Ben Tolopka? He is getting even for the fight he had with Ben Tolopka. Why this particular situation? Ben Tolopka is not unusual. I will show other cases where this same John Barnaba used the same technique and has caused three other indictments, one in New York County presently pending and one in this very court, by inveigling and lying and getting even with people. I will show it to you.

THE COURT: I don't know what you intend, Mr. Richman, but we are not going to try any other indictments in this court, just this one.

MR. RICHMAN: I urge you to keep an open mind. Just use your good judgment and common sense. Everybody else has told you the same thing. I think if you do you will come to one conclusion, because if you don't justice will not only be blind, but deaf and dumb.



dumb. I think you have to find Ben Tolopka not guilty of anything here.

Thank you.

THE COURT: Mr. Subdeh,

MR. SUNDEN: I waive opening.

THE COURT: Mr. Siegel?

MR. SIEGEL: Judge Duffy, Mr. Curren, defense counsel, Madam Forelady, ladies and gentlemen of the jury:

First I would like to introduce myself. My name is Martin Siegel and I am representing the accused, Mr. John Springer.

Mr. Springer, would you please stand up.

My opening will be very brief and to the point. On behalf of my client, Mr. Springer, and his family I ask that you listen to all the evidence very, very carefully and that you judge Mr. Springer as an individual, not as part of any conspiracy, but as an individual, and then and only then, after listening to all the testimony in this case, that you then reach your decision, which I know will be a finding of not guilty, a finding of innocence in behalf of Mr. John Springer.

1B 2 THE COURT: Mr. Murray Segal.

3 MR. SEGAL: If the Court please, my brethren  
4 at the bar, Madam Forelady, members of the jury:

5 I represent Mr. Henry Salley, who is seated almost  
6 directly behind my chair. You have heard Mr. Salley referred  
7 to by Mr. Phillips as being at the very lowest rung of the  
8 ladder, low echelon. I don't resent that at all. As  
9 a matter of fact, I think as the proof develops during the  
10 course of the trial it will occur to you that perhaps he is  
11 at such a low echelon that he shouldn't be here at all.

12 The reason why I speak to you now is that I  
13 want to mention certain things which I believe are dis-  
14 tinctive about his situation. I recognize that the cumula-  
15 tive effect of the words of my brother attorneys can be  
16 very difficult to bear on a Friday late afternoon and I  
17 don't intend to repeat what they have already told you  
18 about the need for keeping it very clearly in your minds  
19 that we do have eighteen separate defendants here. I  
20 know you will bear in mind how easy it is to paint with  
21 the broad brush, as Mrs. Rosner so graphically mentioned to  
22 you, how easy it is for the government to allege a cons-  
23 piracy and to say to you that this doesn't necessarily  
24 mean that all eighteen people got together around a table.  
25 Well, I think as you hear the testimony you will be per-



hp2

1  
2 suaded that perhaps there was no conspiracy at all.

3 In particular, I want to direct your attention  
4 to the defendant whom I represent. It's not for me to  
5 comment about anybody else, to say what I think about the  
6 ~~guilt~~ ~~or~~ innocence of anybody else. I am concerned here,  
7 naturally, with the fate of Mr. Henry Salley, and that is  
8 why it has seemed necessary to me to address these few words  
9 to you, because Henry Salley is accused by the government  
10 only in the conspiracy count of this indictment, and he is  
11 accused in words which I think perhaps you ought to hear,  
12 because I think that the words of the overt act which he  
13 is accused of having participated in are in themselves a  
14 tipoff of the utter bankruptcy of the case that the govern-  
15 ment has against this man, whom they treat as low echelon,  
16 but who perhaps ought to be treated as a non-defendant.

17 The government says that in or about October,  
18 1972, the defendant Henry Salley together with another  
19 defendant in this case travelled from Washington, D.C.  
20 to New Jersey.

21 Now, I think the proof is going to develop that  
22 the government has its dates wrong, but the defendant is  
23 not going to deny that he travelled to New York with another  
24 defendant for whom he did some work. This other defendant  
25 was in business in Washington, specifically, in the clothing





1 hp3

2 business. He accompanied him to New York, where clothing  
3 was bought for this man's business.

4 You are going to find out about this defendant  
5 Henry Salley that he has an absolutely spotless record,  
6 that he has always lived in Washington, D.C., that he  
7 worked for 18 years for one company connected with the  
8 Pennsylvania Railroad, that he ceased working for that  
9 company when he had a heart attack, for which he has been  
10 under continuous treatment since that time and by reason  
11 of which he is pensioned by that company.

12 You are going to find out that Henry Salley  
13 served as an Infantryman in Korea, that he suffered a  
14 wound by reason of which he also receives a pension from  
15 the United States Government.

16 You are going to find out that the only activity  
17 that he is engaged in since his disability had been that he  
18 does some light carpentry work and that he did accompany  
19 a co-defendant to New York, where they bought clothing  
20 for this co-defendant's clothing store.

21 Now, it seems to me -- and I am going to ask you  
22 when you hear the testimony of the witnesses that you too  
23 will think as I do in this connection -- that there are  
24 really only two questions to consider in regard to Mr.  
25 Salley's guilt or innocence in this case, and that is all

I am directing to.

No. 1, the government has charged, and you must insist that it prove, not merely that this man made a trip to New York, but that he did something, participated in some way in a conspiracy, that he did some meaningful act which was part of the conspiracy and entitles the government to say, "You are a co-conspirator," and if you find after you have heard the testimony that the things that he did, the things that the government can prove that he did, were not part of a conspiracy, then he cannot be a co-conspirator and cannot be convicted on that charge.

The other question will be the credibility of those who will testify against him. Now, you have already heard sufficient characterization of the witnesses who will be presented by the government. I don't intend to repeat what you have already heard except to say that I too have been furnished various materials and I have listened to various other materials and I too know what kind of witnesses these people are, and I say to you that when you listen to these witnesses you have to appraise the credibility of these witnesses against the man whose life I have just described to you, whose record I have just outlined for you, and if you find that you cannot believe that testimony and if you find that you cannot believe any



1 hp5

2 evidence and that there is no proof offered as to acts of  
3 Henry Salley by which he became a part of this enterprise  
4 which Mr. Phillips outlined in such detailed fashion,  
5 then Henry Salley must be acquitted.

6 Now, one last word about Mr. Phillips' presenta-  
7 tion. I suspect that in the interests of having a complete  
8 fabric -- Mrs. Rosner, I think she used that word, a complete  
9 fabric to offer you -- he started at one level and went to  
10 various other levels and then he came to Mr. Salley's  
11 level and he said, "Well, that is the very lowest end."

12 I suspect that you are going to find, if you will  
13 preserve your attitude of mind that you must be shown, that  
14 when this case is all over with you will not have been  
15 satisfied at all that Mr. Salley belongs in this courtroom  
16 today.

17 THE COURT: Is there any other defense counsel  
18 who wishes to make an opening?

19 Ladies and gentlemen, I want to remind you, I  
20 told you before, there is no necessity whatsoever for a  
21 defendant to do anything. He is absolutely presumed  
22 innocent. What they might be trying to tell you is, "We  
23 don't know why we are here, so we are not going to say  
24 anything until we have to."

25 Mr. Curran, how long will your first witness take  
on direct?

1  
2 THE COURT: Not very long, your Honor. I estimate  
3 perhaps a half-hour.

4 THE COURT: All right. Why don't we start.

5 MR. COHRAN: The government calls Primrose  
6 Cadman.

7 MRS. ROSNER: Judge Duffy, may we approach the  
8 bench?

9 (At the bench.)

10 MRS. ROSNER: I forgot about this horrible seating  
11 arrangement. I can't see the witness from where I am.

12 THE COURT: I didn't make up the seating arrange-  
13 ment.

14 MRS. ROSNER: I dndidn't mean to infer that  
15 you did. I can't see a thing from there. Can we make  
16 some arrangement for alternative seating when a specific  
17 witness affects a defendant, so you can sit and see what  
18 their demeanor is like on the stand?

19 THE COURT: I don't know where we will put you.

20 MRS. ROSNER: Maybe we can put switch with Mr.  
21 King on the end, make him sort of movable counsel, or some-  
22 thing like that.

23 I am sorry I didn't think of this before, but  
24 it just dawned on me as the witness was coming out.

25 THE COURT: I don't know how many people are



p 7

going to have to move from time to time.

MRS. ROSNER: Judge, from where I am I can't see the top of her head, I can't see a thing.

MR. PHILLIPS: This is a matter for defense counsel. With respect to the first witness, we can represent this witness is only going to affect Mrs. Rosner's client. But there is something that defense counsel can work out among themselves.

THE COURT: As for this witness, you want to switch with someone?

It only involves her client, is that correct?

MR. PHILLIPS: That's correct.

THE COURT: See if you can switch with one of the Siegels.

MRS. ROSNER: As long as we are here, do you want to take up the matters we discussed in the robing room concerning consideration shown this witness?

THE COURT: Not now.

MRS. ROSNER: I take it we won't cross-examine today.

THE COURT: No.

MRS. ROSNER: Fine.

(In open court.)

hp8

P R I M R O S E      C A D M A N, called as a witness  
on behalf of the government, being first duly  
sworn, testified as follows:

## DIRECT EXAMINATION

BY MR. CURRAN:

Q Miss Cadman, I am going to ask you to make sure  
you speak into the microphone so we can all hear you.

A Just like this?

Q I think that's all right.

Miss Cadman, are you a citizen of the United  
States?

A No, I am not.

Q Of what country are you a citizen?

A England.

Q When did you first come to the United States?

A August, 1966.

Q Did you come to the United States legally?

A Yes, I did.

Q What kind of status did you have?

A A permanent visa.

Q When you came to the United States were you em-  
ployed here?

A Yes, I was.

Q From 1966 and thereafter you were employed?



hp9

Cadman-direct

1  
2 A Yes.

3 Q Directing your attention, Miss Cadman, to late  
4 1968, did there come a time when you were using narcotics?

5 A Yes.

6 Q In late 1968, what kind of narcotics did you use?

7 A Heroin.

8 Q Did this use continue after late 1968?

9 A Yes, it did.

10 MRS. ROSNER: I am going to object to the form  
11 hereafter, your Honor, as leading.

12 THE COURT: I would think that actually we are  
13 just getting pedigree and background and using leading  
14 questions is perfectly proper.

15 Go ahead, Mr. Curran.

16 Q Did you use heroin in the year 1969?

17 A Yes, I did.

18 Q From the beginning to about the middle of the year  
19 1969 about how often did you use heroin?

20 A Five, six, seven times a day, depending on how  
21 much money it was.

22 Q I didn't hear the last part of your answer.  
23 Depending on what?

24 A Depending on how much money it was.

25 Q Miss Cadman, directing your attention to in and

about May of 1969, do you recall that particular period?

A Yes, I do.

Q Did you go to a place called Diane's Bar?

A Yes, I did.

Q Did you go in Diane's Bar?

A Yes.

Q What did you do in Diane's Bar on that occasion,  
if anything?

A I sold stolen clothes.

Q You sold stolen clothes?

A Yes.

Q What kind of stolen clothes did you sell?

A Ladies' clothes, suits -- ladies' clothes.

Q Would you describe, please, for the Court and  
jury, just in general terms, what kind of ladies' clothing?

A Dresses, pant suits, ladies' suits.

Q Was this the first time you had done this: sold  
ladies' clothing?

A No; it wasn't.

Q Where did you obtain this ladies' clothing?

A I stole it at various stores.

Q Can you tell us the names of any of the stores?

A Lord & Taylor, Altman's, Sak's, Bonwit-Teller's.

Q Now, on this particular occasion, can you tell



us about what time of day or night it was?

A Thursday, early evening.

Q Early evening?

A Yes.

Q Did you have clothes with you?

A Yes.

Q And what if anything happened in the bar on this first occasion?

A I went in and I asked if anyone wanted to buy any ladies' clothes.

Q And what happened then, if anything?

A Oh, on the Thursday? On the Thursday?

Q This first time you went to Diane's Bar.

A The first time I went in I went in and asked if anybody wanted to buy any ladies' clothing, and some of the men that were there bought it from me.

Q Do you recall approximately how much money you received on this first occasion for the clothing?

A A few hundred dollars.

Q Where is Diane's Bar located?

A It's at 104th Street, on Second Avenue.

Q Is that in Manhattan?

A Yes.

Q Do you know a man named Gigi?

A Yes; I do.

Q If the man named Gigi that you know is in the courtroom, would you please stand up, take a look around and point to him, if you see him?

A He's sitting at the back, in the very end, in the gray sweater.

MR. CURRAN: Your Honor, may the record show that the witness has pointed to the defendant Inglese?

Q Please sit down.

THE COURT: The record will reflect that.

Q (Continuing) On this first occasion that you have just testified to, did you see Gigi?

A Not on the first occasion, no.

Q Did there come a time when you returned to Diane's Bar?

A Yes.

Q About how long after this first visit was the next visit?

A Within a couple of days.

Q Did you have anything with you on this occasion?

A Clothes. Ladies' clothes.

Q Where had you obtained those clothes?

A In various stores, Lord & Taylor's.

Q Had you stolen them?



1  
2 A Yes; I did.

3 Q And what if anything happened in Diane's Bar  
4 this time?

5 A I went in. There was quite a few men there, and  
6 some of them knew me from the last time I was there.

7 MRS. ROSNER: Objection, your Honor, and move to  
8 strike.

9 THE COURT: Just tell us what happened.

10 A (Continuing) I sold clothes. I sold the clothes  
11 to them.

12 Q On this occasion, did you see Gigi?

13 A Yes. I didn't know his name.

14 Q You later came to know him as Gigi?

15 A Yes.

16 Q Did you have any conversation on this second  
17 occasion with Gigi?

18 A Not really. He bought some clothes from me.

19 Q This time?

20 A Yes.

21 Q Did you recall how much money you received the  
22 time for the clothes?

23 MRS. ROSNER: Objection, your Honor. Relevance.

24 THE COURT: Overruled.

25 A Several hundred dollars.

1  
2 Q Did you return thereafter to Diane's Bar on any  
3 other occasion? d

4 A Many occasions, yes.

5 Q Now, directing your attention, Miss Cadman, to  
6 some time in the month of June, the early part of June,  
7 1969, on a Thursday evening, did you go to Diane's Bar?

8 A Yes; I did.

9 Q Do you remember about what time of day or night  
10 that was?

11 A It was early evening.

12 Q And did you have anything with you on this  
13 occasion?

14 A No; I didn't.

15 Q Did you see Gigi on this occasion?

16 A Yes.

17 Q Did you have a conversation with him?

18 A Yes; I did.

19 Q Now, will you please tell us as best you recall  
20 what you said and what Gigi said on this occasion?

21 MR. FISHER: Objection, if your Honor please.  
22 Any conversation of this type as to my client is hearsay.

23 THE COURT: I believe it is offered against the  
24 defendant Inglese.

25 MR. CURRAN: It is offered subject to connection.



1  
2 THE COURT: Subject to connection, yes.

3 MR. FISHER: May we have the appropriate in-  
4 structions, your Honor?

5 THE COURT: Yes.

6 Ladies and gentlemen, right now this particular  
7 conversation is being offered solely against the defendant  
8 Inglese, and you are to consider it solely against the  
9 defendant Inglese. Later, other testimony will be offered  
10 or may be offered which may connect other defendants with  
11 the defendant Inglese.

12 If you find that connection with the defendant  
13 Inglese was part of the conspiracy, then we will have a  
14 connection whereby you can consider various conversations,  
15 but right now, this afternoon, this is only being offered  
16 against the defendant Inglese.

17 Do you understand that? It is against no one  
18 else. If we have a connection developed some time in the  
19 future, if something else happens, at that point I will talk  
20 to you about it.

21 Q All right, Miss Cadman, before his Honor made  
22 that statement, I believe I directed your attention to a  
23 Thursday evening, about early June of 1969, at Diane's Bar.  
24 You said you had no clothing with you, and I asked you if  
25 you had a conversation with Gigi, and you said you did not

1  
2 and the question that is before you, I believe, is, will  
3 you please tell us as best you recall what you said and  
4 what Gigi said on that evening.

5 A I asked him if I could borrow some money of him,  
6 and, you know, I offered him some clothes. He asked me what  
7 the money was for, and I told him it was to get some heroin,  
8 and he, you know, said, "If I lend you the money, when you  
9 bring clothes in, just sell them to me."

10 So I said, "Okay," and then, afterwards, he  
11 asked me if, you know, I would take heroin instead of the  
12 money.

13 Q And what did you say to that, if anything?

14 A I told him, yes, I would take it.

15 Q How much money did you ask for?

16 A Twenty dollars.

17 Q And you said, yes, you would take heroin instead  
18 of money?

19 A Yes.

20 Q Did he say anything to that?

21 A He told me to go and sit down at the end of the  
22 bar, and so I went down there, and I saw him call Joe Crow.

23 Q You saw him call Joe Crow?

24 A Yes.

25 Q Is that a person?



1  
2 A Yes. I don't know his real name.

3 Q I will ask you, Miss Cadman, if you will, stand  
4 up again and look around the courtroom and see if you see  
5 the person you mentioned as Joe Crow in the courtroom.  
6 Just take your time and look around.

7 A Should I look here too?

8 Q Any place you want to look, Miss Cadman.

9 A I don't believe so.

10 Q All right, Please sit down.

11 You say he called Joe Crow over?

12 A Yes.

13 Q Were you present with him and Joe Crow at this  
14 point?

15 A No. I was sitting down at the end of the bar.

16 Q Well, what happened, if anything, between him and  
17 Joe Crow?

18 MRS. ROSNER: Objection.

19 THE COURT: No. I will permit it.

20 The only thing we are interested in at this point  
21 Miss Cadman, is what you observed.

22 A I saw him talk to Joe Crow, and then Joe Crow went  
23 you know, in back of Diane's Bar, you know, passed out of  
24 my sight, and he was gone for a few minutes, and he came  
25 back, and he called me over.

1  
2 Q He being who, now?

3 A Joe Crow.

4 Q And what happened?

5 A I went in the back of the bar, and he gave me  
6 some heroin.

7 Q He gave you some heroin? Will you describe for  
8 us, please, exactly what he handed to you?

9 A A cellophane bag.

10 Q About how big? Would you just show it by your  
11 hands, Miss Cadman?

12 A About so big (indicating).

13 MR. CURRAN: About 2 inches by 2 inches, your  
14 Honor?

15 THE COURT: That's close enough.

16 Q And what if anything was in the cellophane bag  
17 which he handed to you?

18 MRS. ROSNER: Objection, your Honor.

19 THE COURT: She can answer, if she knows.

20 A White powder. Heroin.

21 Q What did you do with the bag?

22 A I left the bar, and I went to 1721 Lexington  
23 Avenue, and I went up to my boy friend's mother's apartment,  
24 and we used it.

25 Q "We" being who?



1  
2 A Lou Oliveras and I.

3 Q Now, Miss Cadman, directing your attention back  
4 to the bar, after Joe Crow handed you this cellophane 2 by  
5 bag, did you have any conversation with him?

6 A Oh, he asked me --

7 MRS. ROSNER: Objection, your Honor, on behalf of  
8 my client.

9 MR. CURRAN: Your Honor --

10 THE COURT: I believe there was an objection.

11 MR. CURRAN: May I be heard, or does your Honor

12 THE COURT: Will you please be good enough to  
13 repeat the question?

14 (Question read.)

15 A I wTHE COURT: I will overrule the objection.

16 Go ahead, if you can answer it.

17 MRS. ROSNER: May we have a continuing objection  
18 so that we need not constantly interrupt the testimony?

19 THE COURT: Surely.

20 Q Do you remember the question that was just rerea  
21 by the reporter?

22 A Yes.  
23  
24  
25

Q Would you answer that question, please?

A Joe Crow told me to let him know how it was and as I was passing out, Gigi said, "Don't forget, you know, to bring the clothes in," and to sell them to him, or if he wasn't there, you know, Joe Crow would be there, and if Joe Crow wasn't there, to wait around until one of them got there.

Q Referring to the clothes, the women's clothes that you had?

A Yes.

Q Now, I think you just testified that you used this white powder or this heroin at 1721 Lexington Avenue?

A Yes.

Q How did you use it? Did you inject it?

A Yes, I did.

Q Where at 1721 Lexington Avenue did you inject it?

A In Louis Oliveras' mother's apartment, in the bathroom.

Q After you injected it, did you feel its effects?

A Yes.

Q What did you feel?

A I felt high.

Q Now, Miss Cadman, directing your attention to



that evening or the following evening or a short time later, did you return to Diane's Bar after this occasion?

A Yes.

Q Did you see Gigi this time?

A Yes.

Q Did you have anything with you this time?

A I had ladies' clothing with me.

Q Stolen ladies' clothes?

A Yes.

Q Did you have any conversation with Gigi?

A Yes. I gave him the clothes. He looked at them and he asked me how much they were, and I think it was about \$300, and he gave me the money and he hadn't taken the money that, well, the money for the heroin, that I TRIED TO BORROW, AND I gave him money back and he gave me change and I told him that, you know, the stuff was nice.

Q You told him that?

A YES.

Q Well, what kind of money did he give you? What denominations of bills, if you recall?

A Hundred dollar bills.

Q And did you give him back a hundred dollar bill?

1  
2 A Yes, I did.

3 Q And what, if anything, did he give to you?

4 A \$80.

5 Q Now, Miss Cadman, directing your attention to  
6 some time later in June, did there come a time when you  
7 had another conversation with Gigi about heroin?

8 A Yes.

9 Q Where was that conversation?

10 A It was in the back of the bar.

11 Q In the back of what bar?

12 A Diane's Bar.

13 Q At 104th Street and Second Avenue?

14 A Yes.

15 Q Will you please tell us what you said and  
16 what Gigi said on that second occasion?

17 A Well, I had taken the clothes -- excuse me --  
18 and we went down to the back of the bar.

19 Q You said you had taken the clothes. These  
20 are more clothes?

21 A Yes.

22 Q And what happened then, if anything?

23 A We went down to the back of the bar, and he  
24 looked at the clothes, and he asked me, you know, like  
25 if I wanted to take heroin instead of money.



Q If you wanted -- say it again.

A If I wanted to take heroin instead of the money for the clothes.

Q What did you say, if anything?

A I said no, that I couldn't, you know, take all heroin, because we needed the money to live on. So he asked me if I would take part, you know, part heroin and part money, and I said okay, that I would.

Q Did you receive money for the clothes on this occasion?

A Yes.

Q Approximately how much, if you recall?

A About 300.

Q Did you receive heroin on this occasion?

A Yes.

Q How much?

A A half an ounce, cut.

Q A half an ounce, cut? What does cut mean, Miss Cadman?

A It's mixed with milk sugar or quinine.

Q Was there a value discussed about that half ounce?

A It's about \$150.

Q Well, what did you do when you received this

heroin?

A I gave him \$200 back and he gave me change, \$50 change.

Q Now, will you please tell us --

MR. CURRAN: I withdraw that, your Honor.

Q Did Gigi hand you the heroin on this occasion?

A No.

Q Who handed it to you?

A Joe Crow.

Q Before he handed it to you did he have any conversation with anybody?

A Well, Gigi talked to him.

Q Did you hear what was said?

A I just heard that, you know, that he told him that I wanted a half an ounce.

Q I didn't hear you.

A Gigi told Joe Crow that I wanted half an ounce.

Q And then what happened?

A Joe Crow went, you know, to the back of the bar, and I was talking to Gigi about the clothes, you know, ~~different sizes and different~~ styles, and Joe Crow came back and gave me the heroin.

Q You say he came back and gave you the stuff?

A Yes.



1  
2 A Yes.

3 Q What was it wrapped in or how did it appear  
4 on this occasion?

5 A In aluminum foil silver foil.

6 Q Silver foil?

7 A Yes.

8 Q What did you do with the silver foil after Joe  
9 Crow handed it to you?

10 A Well, I had a gray cape on and I put it under  
11 the cape and I left.

12 Q Now, this was in June of '69?

13 A Yes.

14 Q You were wearing a cape?

15 A Yes.

16 Q And when you left Diane's Bar this time,  
17 where did you go?

18 A Up to 1721 Lexington Avenue.

19 Q Was that to the same apartment that you men-  
20 tioned previously?

21 A Yes.

22 Q And what, if anything, did you do there?

23 A Louis and I tried it out and then --

24 Q Where? In what room?

25 A The bathroom.

Q Now, I think you testified that you had a package in tin or aluminum foil. What was inside the aluminum foil?

A Heroin.

Q White powder?

A Yes, heroin.

Q Did you inject it?

A Yes.

Q And what happened after you injected it this time?

A We got high.

Q Did you and Louis use the entire amount on this occasion?

A No.

Q Now, Miss Cadman, thereafter, in June and July, in the summer of 1969, were there other times when you went to Diane's Bar?

A Quite -- nearly every night except Sunday.

Q Six nights a week, about?

A Yes.

Q And each time did you have stolen women's clothes?

A Yes.

Q Did you sell those clothes in Diane's Bar?



2 A Yes.

3 Q To whom did you sell them?

4 A Gigi.

5 Q That's the Gigi whom you identified there  
6 this afternoon?

7 A Yes.

8 Q You received cash in return for them?

9 A Cash and heroin on some occasions. On some  
10 occasions just cash.

11 Q And other occasions that you received cash  
12 and heroin, how much heroin did you receive?

13 A Sometimes half an ounce, sometimes an ounce.

14 Q Was there a value placed on the half ounce?

15 MRS. ROSNER: Objection to form, your Honor.

16 MR. CURRAN: I will withdraw that, your  
17 Honor.

18 THE COURT: All right.

19 Q Did you and Gigi ever have any conversation  
20 about the amounts to be charged for a half ounce and  
21 the amounts to be charged for an ounce?

22 A I knew the price of the stuff.

23 MRS. ROSNER: Objection and move to strike.

24 Q How much did you pay Gigi for a half ounce?

25 MRS. ROSNER: May we have a ruling?

1 THE COURT: Hold on. The motion to  
2 strike is granted. I think we are having a semantic  
3 difficulty here.  
4

5 (To the witness:) You said you knew the  
6 value. The question was -- I don't care what you knew  
7 and nobody else does, the question is, did you ever have  
8 a conversation with Gigi about the value or the price of  
9 this white powder which you received?

10 THE WITNESS: Well, I paid 150 for half  
11 an ounce, so it's automatic that for an ounce it's 300,  
12 cut heroin.

13 THE COURT: All right.

14 BY MR. CURRAN:

15 Q The clothes that you sold: did they have  
16 price tags on them, generally?

17 A Yes.

18 Q What ~~did~~ charge?

19 A Half the retail price.

20 Q Half the price tag?

21 A Yes.

22 Q About how many times in the summer of 1969,  
23 after the two transactions you testified to, would you  
24 estimate that you received heroin from Gigi, approxi-  
25 mately?



1  
2 A Not more than 10 times.

3 Q Now, Miss Cadman, I want to direct your atten-  
4 tion back to the two occasions when you have testified you  
5 injected the heroin at 1721 Lexington Avenue; do you  
6 recall that?

7 A Yes.

8 Q Will you please tell us exactly how that was  
9 done, what you did?

10 MRS. ROSNER: Objection, your Honor.

11 THE COURT: No. I will permit it. Go  
12 ahead.

13 THE WITNESS: May I answer?

14 THE COURT: Yes.

15 A We put an amount -- sometimes we used a bottle  
16 top and with a clip on it and put some water in it and  
17 put a flame under it until it was clear and looked  
18 like clear water. We got, sometimes you use an ee  
19 eyedropper with a baby dummy on the end and you get a  
20 piece of paper and a syringe on the top at one end and  
21 you tie your arm up and if you can get a vein you get a  
22 vein.

23 Q And then you inject it?

24 A Yes.

25 Q Miss Cadman, when is the last time, approxi-

1 mpall

Cadman-direct

124

2 mately, that you have used heroin?

3 A Three years.

4 Q How many?

5 A Three years.

6 MR. CURRAN: Will your Honor bear with me  
7 for one moment.

8 (Pause.)  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



Q Miss Cadman, these clothes that you testified about, the women's clothes, did you steal those clothes yourself?

A Yes, I did.

Q Each and every time?

A Yes.

Q Do you know how heroin is cut? Yes or no.

A Yes.

Q How is it cut?

MR. ROSENBERG: Your Honor, I am going to object unless he is attempting to qualify her as an expert?

MR. CURRAN: I think she may have already done, that, your Honor.

THE COURT: I will permit it. Go ahead.

A Should I answer?

Q How did you cut it, Miss Cadman?

A Well, it depends. Most people that you get, you know, pure heroin off, they will tell you, you know, it will take a four or a five, and you put one part -- you know, like one part heroin to four or five parts of milk sugar or quinine. Usually you start off, you don't put as much as that in in the beginning, and you keep on trying it until you think it's the right strength to go on the street.

MR. CURRAN: You may cross examine.

THE COURT: Yes, you may, but you are not going to do it today.

Ladies and gentlemen, I am releasing you. I received your note about possible things that you would like to do possibly over this weekend. I am going to do my very best to work out at least one of them for you. I suspect tthat next week we will not have a long weekend, I suspect, for a lot of reasons which I don't have to go into with you right now. This weekend we can't work. That is all there is to it. But next weekend we may. I would appreciate it if you, the members of the jury, through the person who delivered this note to me about recreation, would let me know what you think about working on Saturdays. All right.

Please, once again -- I really don't need to tell you, but I am going to tell you anyway -- don't talk about the case among yourselves, don't make up your mind, keep your mind open, no opinions formed until you get the case.

(The jury left the courtroom.)

MR. PHILLIPS: Your Honor, may the witness be excused?

THE COURT: Yes. Step out, Miss Cadman.



1  
2 THE WITNESS: Thank you.

3 (The witness left the courtroom.)

4 MR. SUNDEN: Your Honor, I am sitting here  
5 and I just cannot see the witness at all. I suppose it  
6 will probably happen with every witness that comes along.

7 This witness probably is not going to mention  
8 my client and it may not be relevant, but I object to  
9 the procedure where we are set up in the courtroom  
10 like this where the attorney, in order to see the accuser  
11 and the client, if necessary, to have his right of con-  
12 frontation, must walk around to the side, such as Mrs.  
13 Rosner must do, and it in effect puts a spotlight un-  
14 necessarily on the client and the attorney.

15 I ask if your Honor could perhaps find a  
16 system to evaluate the witness or move her down to the  
17 front, where the court reporter is

18 THE COURT: How am I going to do it? I  
19 have to work within the physical bounds that I am stuck  
20 with.

21 MR. SUNDEN: I am suggesting --

22 THE COURT: I can't redesign the entire  
23 courthouse.

24 MR. SUNDEN: I am suggesting that the wit-  
25 ness could sit where the court reporter is.

MR. KING: Judge, may this small voice be heard? I think probably it would be solved if the mike were put directly in front of the witness.

THE COURT: I will see what I can do.

MR. SUNDEN: Judge, May I just suggest either a platform or you put the witness where the court reporter is.

THE COURT: I will work it out. Is there anything else?

Ten o'clock Monday morning.

(In the robing room.)

MRS. ROSNER: The record should reflect that Mr. Curran revealed pursuant to my inquiry that the handwritten notes which constitute 3503 on the witness Primrose Cadman were made some time between February 8 and April 11, 1973, that the person who made the notes was Assistant United States Attorney Jerry Feffer.

MR. CURRAN: I believe there is one page that was made by Mr. Sabetta, and I don't know the date of that. I suspect it was after April of 1973, but I am not certain.

MRS. ROSNER: Do you know which page that is so I can identify it?

MR. CURRAN: It is the one that is in hand-



1 writing different from Feffer's. I can find it for  
2 you.  
3

4 MRS. ROSNER: The government has represented  
5 that if they can narrow the time period any more  
6 definitely they will do so.

7 MR. CURRAN: Yes, Your Honor, I believe  
8 the other page is page 4. I will double check with Mr.  
9 Sabetta.

10 MRS. ROSNER: I just don't want to be asking  
11 whether she made statements to Joe Blow.

12 MR. CURRAN: I will pin it down as soon as  
13 I can and tell Mrs. Rosner.

14 (Adjourned to January 28, 1974, at 10:00  
15 a.m.)  
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WITNESS INDEX

| <u>Name</u>     | <u>Direct Cross Redirect Recross</u> |
|-----------------|--------------------------------------|
| Primrose Cadman | 102                                  |

SOUTHERN DISTRICT COURT REPORTERS

UNITED STATES COURT HOUSE

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